

# EXHIBIT 5

1 SEAN P. DEBRUINE (admitted *pro hac vice*)  
sean.debrune@alston.com  
2 ALSTON & BIRD LLP  
275 Middlefield Road, Suite 150  
3 Menlo Park, California 94025  
Telephone: 650-838-2000  
4 Facsimile: 650-838-2001

5 ROBERT J. CALDWELL (Bar No. 007637)  
rcaldwell@klnevada.com  
6 MATTHEW J. CHRISTIAN (Bar No. 008024)  
mchristian@klnevada.com  
7 KOLESAR & LEATHAM, CHTD.  
8 3320 W. Sahara Avenue, Suite 380  
Las Vegas, Nevada 89102  
9 Telephone: (702) 362-7800  
Facsimile: (702) 362-9472

10 Attorneys for Plaintiff and Counterdefendant  
11 ELAN MICROELECTRONICS CORPORATION

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF NEVADA  
14 SOUTHERN DIVISION  
15

16 ELAN MICROELECTRONICS  
17 CORPORATION,

18 Plaintiff,

19 v.

20 PIXCIR MICROELECTRONICS CO. LTD,

21 Defendant.

Case No. 2:10-cv-00014-GMN

**DECLARATION OF IAN CHUNG**

22  
23 I, Ian Chung, declare as follows:

24 1. I am an Assistant Director of the Marketing and Product Planning Department at  
25 plaintiff Elan Microelectronics Corporation ("Elan"). I have personal knowledge of the following  
26 facts and if called to testify I could and would testify competently to the matters stated herein:

27 2. Elan designs, manufactures and sells a range of touch sensitive input devices, such  
28 as touchpads for portable computers and touchscreens for mobile phones, media players and the

1 like. I have experience marketing and selling these products at Elan and understand how Elan's  
2 input devices are sold.

3 3. Elan does not sell its touchpad modules directly to the company whose name  
4 appears on the finished product. For example, Dell, Inc. has sold computer models that  
5 incorporate Elan touchpads in the United States and elsewhere, but Dell does not purchase those  
6 touchpad modules directly from Elan. That is because Dell, and almost all other computer and  
7 consumer electronics companies, does not itself manufacture its products. Rather, a number of  
8 contract manufacturers, often referred to as OEM manufacturers, manufacture the products to  
9 Dell's specifications. In the case of Elan's touchpads, the manufacturer of the finished laptop  
10 computer will purchase the Elan touchpad modules. Some of these sales are made directly to the  
11 OEM manufacturer, while others are made through distributors.

12 4. With a standard product such as a touchpad, the name brand company may provide  
13 a general specification to the OEM manufacturer and allow the contract manufacturer to source  
14 components accordingly. In such a situation Elan may not have any direct contact with the  
15 company whose brand will appear on the finished product. Elan will have contact with the OEM  
16 manufacturer. But in many cases, Elan will be aware of the product and name brand under which  
17 it will be sold. Elan will probably also know whether the product will be sold in the United States.

18 5. Other touch input products, such as touchscreens, are not standard components.  
19 Rather, they are custom designed to the specifications set by the ultimate brand company. In such  
20 a case there will be almost always be some direct contact between the brand company and the  
21 component supplier to ensure that the touch sensor module works with the electronic device the  
22 brand company intends to sell. That contact may not be with brand company representatives in  
23 the United States. Rather, many of those companies have employees in Taiwan and elsewhere in  
24 Asia responsible for the sourcing of components and manufacturing of the end product.

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I swear under penalty of perjury under the laws of the United States and the State of Nevada that the foregoing is true and correct. Executed this 15<sup>th</sup> day of November, 2010 at Menlo Park, California.

  
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Ian Chung

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