

1 MATTHEW D. POWERS (Bar No. 104795)
matthew.powers@weil.com
2 JARED BOBROW (Bar No. 133712)
jared.bobrow@weil.com
3 SONAL N. MEHTA (Bar No. 222086)
sonal.mehta@weil.com
4 DEREK C. WALTER (Bar. No. 246322)
derek.walter@weil.com
5 STEFANI SMITH (Bar No. 251305)
stefani.smith@weil.com
6 NATHAN GREENBLATT (Bar No. 262279)
nathan.greenblatt@weil.com
7 WEIL, GOTSHAL & MANGES LLP
Silicon Valley Office
8 201 Redwood Shores Parkway
Redwood Shores, CA 94065
9 Telephone: (650) 802-3000
Facsimile: (650) 802-3100

10 Attorneys for Defendant and Counterclaim Plaintiff
11 Apple Inc.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ELAN MICROELECTRONICS
CORPORATION,
16
17 Plaintiff and Counterclaim
Defendant,
18 v.
19 APPLE INC.,
20 Defendant and Counterclaim
21 Plaintiff.

Case No. C-09-01531 RS (PSG)

**DECLARATION OF NATHAN
GREENBLATT IN SUPPORT OF
PLAINTIFF ELAN
MICROELECTRONICS
CORPORATION'S RENEWED
ADMINISTRATIVE MOTION TO
FILE PORTIONS OR THE ENTIRETY
OF PAPERS IN SUPPORT OF ITS
MOTION FOR PARTIAL SUMMARY
JUDGMENT OF INFRINGEMENT
UNDER SEAL**

1 I, Nathan Greenblatt, declare:

2 I am an attorney at Weil, Gotshal & Manges LLP, counsel of record for Defendant
3 and Counter-Claimant Apple Inc. (“Apple”) in the above-captioned matter. Pursuant to the
4 Court’s Order dated May 11, 2011 (Dkt. No. 204), I met and conferred with Jennifer Liu, counsel
5 for Elan, regarding the filing under seal of Elan’s Motion for Partial Summary Judgment of
6 Infringement of U.S. Patent 5,875,352 and supporting papers. I now submit this declaration
7 pursuant to Civil Local Rule 79-5(d) in support of “Plaintiff Elan Microelectronics Corporation’s
8 Renewed Administrative Motion To File Portions Or The Entirety Of Papers In Support Of Its
9 Motion For Partial Summary Judgment Of Infringement Under Seal.” (Dkt. No. 216).

10 1. I have reviewed Elan’s Motion for Partial Summary Judgment of
11 Infringement of U.S. Patent 5,875,352 (**partially redacted**). Based on my review, the redacted
12 portions contain confidential information related to Apple’s products, including information
13 regarding the operation of Apple’s source code and codenames for accused products, that could
14 harm Apple if publicly disclosed.

15 2. I have reviewed the Declaration of Robert Dezmelyk in Support of Elan’s
16 Motion for Partial Summary Judgment of Infringement (**partially redacted**). Based on my
17 review, the redacted portions contain confidential information related to Apple’s products,
18 including information regarding the operation of Apple’s source code and codenames for accused
19 products, that could harm Apple if publicly disclosed.

20 3. I have reviewed Exhibit B to the Declaration of Robert Dezmelyk in
21 Support of Elan’s Motion for Partial Summary Judgment of Infringement (**partially redacted**).
22 Based on my review, the redacted portions contain confidential information related to Apple’s
23 products, including codenames, that could harm Apple if publicly disclosed.

24 4. I have reviewed the Amended Declaration of Jennifer Liu in Support of
25 Elan’s Motion for Partial Summary Judgment of Infringement (**partially redacted**). Based on
26 my review, the redacted portions contain confidential information related to Apple’s products,
27 including codenames, that could harm Apple if publicly disclosed.

28

1 5. I have reviewed Exhibit 3 to the Declaration of Jennifer Liu in Support of
2 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
3 review, the document contains confidential technical information related to Apple's products
4 which could harm Apple if publicly disclosed.

5 6. I have reviewed Exhibit 4 to the Declaration of Jennifer Liu in Support of
6 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
7 review, the document contains sensitive business information including internal project code
8 names which could harm Apple if publicly disclosed.

9 7. I have reviewed Exhibit 5 to the Declaration of Jennifer Liu in Support of
10 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
11 review, the document contains sensitive business information including internal project code
12 names which could harm Apple if publicly disclosed.

13 8. I have reviewed Exhibit 6 to the Declaration of Jennifer Liu in Support of
14 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
15 review, the document contains sensitive business information including internal project code
16 names which could harm Apple if publicly disclosed.

17 9. I have reviewed Exhibit 23 to the Declaration of Jennifer Liu in Support of
18 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
19 review, the document contains confidential technical information related to Apple's products
20 which could harm Apple if publicly disclosed.

21 10. I have reviewed Exhibit 24 to the Declaration of Jennifer Liu in Support of
22 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
23 review, the document contains confidential technical information related to Apple's products
24 which could harm Apple if publicly disclosed.

25 11. I have reviewed Exhibit 25 to the Declaration of Jennifer Liu in Support of
26 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
27 review, the document contains confidential technical information related to Apple's products
28 which could harm Apple if publicly disclosed.

1 12. I have reviewed Exhibit 27 to the Declaration of Jennifer Liu in Support of
2 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
3 review, the document contains confidential technical information related to Apple's products
4 which could harm Apple if publicly disclosed.

5 13. I have reviewed Exhibit 29 to the Declaration of Jennifer Liu in Support of
6 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
7 review, the document contains confidential technical information related to Apple's products
8 which could harm Apple if publicly disclosed.

9 14. I have reviewed Exhibit 30 to the Declaration of Jennifer Liu in Support of
10 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
11 review, the document contains confidential technical information related to Apple's products
12 which could harm Apple if publicly disclosed.

13 15. I have reviewed Exhibit 31 to the Declaration of Jennifer Liu in Support of
14 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
15 review, the document contains confidential technical information related to Apple's products
16 which could harm Apple if publicly disclosed.

17 16. I have reviewed Exhibit 32 to the Declaration of Jennifer Liu in Support of
18 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
19 review, the document contains confidential technical information related to Apple's products
20 which could harm Apple if publicly disclosed.

21 17. I have reviewed Exhibit 33 to the Declaration of Jennifer Liu in Support of
22 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
23 review, the document contains confidential technical information related to Apple's products
24 which could harm Apple if publicly disclosed.

25 18. I have reviewed Exhibit 34 to the Declaration of Jennifer Liu in Support of
26 Elan's Motion for Partial Summary Judgment of Infringement (**partially redacted**). Based on
27 my review, redacted portions on the first page of the document (bearing Bates number
28 APEL1617587) contain confidential technical information related to Apple's products which

1 could harm Apple if publicly disclosed.

2 19. I have reviewed Exhibit 35 to the Declaration of Jennifer Liu in Support of
3 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
4 review, the document contains confidential technical information related to Apple's products
5 which could harm Apple if publicly disclosed.

6 20. I have reviewed Exhibit 36 to the Declaration of Jennifer Liu in Support of
7 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
8 review, the document contains confidential technical information related to Apple's products
9 which could harm Apple if publicly disclosed.

10 21. I have reviewed Exhibit 37 to the Declaration of Jennifer Liu in Support of
11 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
12 review, the document contains confidential technical information related to Apple's products
13 which could harm Apple if publicly disclosed.

14 22. I have reviewed Exhibit 39 to the Declaration of Jennifer Liu in Support of
15 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
16 review, the document contains confidential technical information related to Apple's products
17 which could harm Apple if publicly disclosed.

18 23. I have reviewed Exhibit 40 to the Declaration of Jennifer Liu in Support of
19 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
20 review, the document contains confidential technical information related to Apple's products
21 which could harm Apple if publicly disclosed.

22 24. I have reviewed Exhibit 41 to the Declaration of Jennifer Liu in Support of
23 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
24 review, the document contains confidential technical information related to Apple's products
25 which could harm Apple if publicly disclosed.

26 25. I have reviewed Exhibit 42 to the Declaration of Jennifer Liu in Support of
27 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
28 review, the document contains confidential technical information related to Apple's products

1 which could harm Apple if publicly disclosed.

2 26. I have reviewed Exhibit 43 to the Declaration of Jennifer Liu in Support of
3 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
4 review, the document contains confidential technical information related to Apple's products
5 which could harm Apple if publicly disclosed.

6 27. I have reviewed Exhibit 44 to the Declaration of Jennifer Liu in Support of
7 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
8 review, the document contains confidential technical information related to Apple's products
9 which could harm Apple if publicly disclosed.

10 28. I have reviewed Exhibit 45 to the Declaration of Jennifer Liu in Support of
11 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
12 review, the document contains confidential technical information related to Apple's research and
13 development which could harm Apple if publicly disclosed.

14 29. I have reviewed Exhibit 47 to the Declaration of Jennifer Liu in Support of
15 Elan's Motion for Partial Summary Judgment of Infringement (**filed under seal**). Based on my
16 review, the document contains confidential technical information related to Apple's products
17 which could harm Apple if publicly disclosed.

18 30. I have reviewed Exhibit 28 to the Declaration of Jennifer Liu in Support of
19 Elan's Motion for Partial Summary Judgment of Infringement. Based on my review, the
20 document does not contain confidential information. Pursuant to Local Rule 79-5(d), Apple
21 withdraws the designation of confidentiality for Exhibit 28.

22 31. I have reviewed Exhibit 38 to the Declaration of Jennifer Liu in Support
23 of Elan's Motion for Partial Summary Judgment of Infringement. Based on my review, the
24 document does not contain confidential information. Pursuant to Local Rule 79-5(d), Apple
25 withdraws the designation of confidentiality for Exhibit 38.

26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct and that the foregoing is executed on June 1, 2011, at Redwood Shores, California.

DATED: June 1, 2011

Respectfully submitted,
WEIL, GOTSHAL & MANGES LLP

/s/ Nathan Greenblatt
Nathan Greenblatt
Attorney for Defendant and Counter-Claimant,
Apple Inc.