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10 Attorneys for Defendant and Counterclaim Plaintiff
 Apple Inc.

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

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

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

**DECLARATION OF DEREK WALTER
 IN SUPPORT OF APPLE INC.'S
 OPPOSITION TO ELAN
 MICROELECTRONICS
 CORPORATION'S MOTION FOR
 PARTIAL SUMMARY JUDGMENT OF
 INFRINGEMENT OF U.S. PATENT
 5,825,352**

DATE: July 14, 2011
 TIME: 1:30 p.m.
 JUDGE: Hon. Richard Seeborg
 CTRM: 3, 17th Floor

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1 I, Derek C. Walter, declare:

2 I am an attorney with the law firm of Weil, Gotshal & Manges LLP, counsel of
3 record for Defendant and Counter-Claimant Apple Inc. (“Apple”) in the above-captioned matter.
4 I submit this declaration based on personal knowledge and following a reasonable investigation.
5 If called upon as a witness, I could competently testify to the truth of each statement herein.

6 1. Attached as **Exhibit A** is a true and correct copy of the transcript of the
7 deposition of Robert Dezmelyk, recorded May, 24, 2011, **Filed Under Seal**.

8 2. Attached as **Exhibit B** is a true and correct copy of U.S. Patent No.
9 5,825,352, issued October 20, 1998.

10 3. Attached as **Exhibit C** is a true and correct copy of excerpts from the
11 transcript of the hearing in ITC Investigation No. 337-TA-714, dated February 16, 2011.

12 4. Attached as **Exhibit D** is a true and correct copy of an an illustrative
13 exhibit marked as number 13 during the deposition of Robert Dezmelyk, May, 24, 2011, **Filed**
14 **Under Seal**.

15 5. Attached as **Exhibit E** is a true and correct copy of Order from *Elantech*
16 *Devices Corp. v. Synaptics, Inc.*, No. C 06-01839-CRB, (N.D. Cal.), dated October 26, 2007.

17 6. Attached as **Exhibit F** is a true and correct copy of excerpts from
18 Westerman, Wayne, “Hand Tracking, Finger Identification, and Chordic Manipulation on a
19 Multi-Touch Surface,” dated Spring 1999.

20 7. Attached as **Exhibit G** is a true and correct copy of an email message from
21 Daisuke Shudo to Apple Computer Inc., dated August 26, 2006, **Filed Under Seal**.

22 8. Attached as **Exhibit H** is a true and correct copy of an email message from
23 Jayna Whitt to Sean DeBruine, dated August 22, 2007, **Filed Under Seal**.

24 9. Attached as **Exhibit I** is a true and correct copy of Order No. 17 (Claim
25 Construction) in ITC Investigation No. 337-TA-714, dated November 9, 2010.

26 10. Attached as **Exhibit J** is a true and correct copy of Order No. 35 in ITC
27 Investigation No. 337-TA-714, dated March, 7, 2011.

28 11. Attached as **Exhibit K** is a true and correct copy of excerpts from Elan

1 Microelectronics Corporation's Post Hearing Brief in ITC Investigation No. 337-TA-714, dated
2 March 4, 2011.

3 12. Attached as **Exhibit L** is a true and correct copy of excerpts from the
4 transcript of the deposition of Wayne Westerman, recorded on November 17, 2010, **Filed Under**
5 **Seal**.

6
7 I declare under the penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed on June 2, 2011, at Redwood Shores, California.

10 */s/ Derek C. Walter*
11 _____
12 Derek C. Walter

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