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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  
 20 Plaintiff.

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

**DECLARATION OF NATHAN  
 GREENBLATT IN SUPPORT OF  
 ADMINISTRATIVE MOTION TO  
 FILE APPLE INC.'S OPPOSITION TO  
 ELAN MICROELECTRONICS  
 CORP.'S MOTION TO COMPEL  
 APPLE INC. TO PRODUCE TESTING  
 TOOL**

JUDGE: Hon. Paul Singh Grewal

1 I, Nathan Greenblatt, 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. I have developed an understanding of the confidential nature of Apple’s testing  
7 tool at issue based on review of the Declaration of Dr. Wayne Westerman in Support of Apple’s  
8 Opposition to Elan Microelectronics Corp.’s Motion to Compel Apple Inc. to Produce Testing  
9 Tool, information received from Apple in-house counsel, and my experience as counsel for  
10 Apple.

11 2. I prepared the redacted version of Apple Inc.’s Opposition to Elan  
12 Microelectronics Corp.’s Motion to Compel Apple Inc. to Produce Testing Tool (“Apple’s  
13 Opposition”). Based on my review, the redacted portions contain confidential technical  
14 information regarding the operation of Apple’s products and Apple’s testing tool, as well as  
15 internal codenames, which could harm Apple if publicly disclosed.

16 3. I prepared the redacted version of the Declaration of Adrian Percer in Support of  
17 Apple Inc.’s Opposition to Elan Microelectronics Corp.’s Motion to Compel Apple Inc. to  
18 Produce Testing Tool (“Percer Declaration”). Based on my review, the redacted portions contain  
19 confidential information regarding the operation of Apple’s testing tool and the tool’s confidential  
20 name, which could harm Apple if publicly disclosed.

21 4. I have reviewed the Declaration of Wayne Westerman in Support of Apple Inc.’s  
22 Opposition to Elan Microelectronics Corp.’s Motion to Compel Apple Inc. to Produce Testing  
23 Tool (“Westerman Declaration”). Based on my review, the Westerman Declaration consists  
24 predominantly of confidential technical information regarding the operation of Apple’s testing  
25 tool and the tool’s confidential name which could harm Apple if publicly disclosed.

26 5. I have reviewed **Exhibit 3** [April 29, 2011 ITC Final ID] to the Declaration of  
27 Derek Walter in Support of Apple Inc.’s Opposition to Elan Microelectronics Corp.’s Motion to  
28 Compel Apple Inc. to Produce Testing Tool (“Walter Declaration”). Based on my review, the

1 exhibit consists predominantly of confidential technical information regarding the operation of  
2 Apple's products which could harm Apple if publicly disclosed.

3 6. I have reviewed **Exhibit 4** [Elan's ITC Petition for Review] to the Walter  
4 Declaration. Based on my review, the exhibit consists predominantly of confidential technical  
5 information regarding the operation of Apple's products which could harm Apple if publicly  
6 disclosed.

7 7. I have reviewed **Exhibit 5** [Mar. 4, 2011 Apple ITC Posthearing Br.] to the  
8 Declaration of Derek Walter in Support of Apple Inc.'s Opposition to Elan Microelectronics  
9 Corp.'s Motion to Compel Apple Inc. to Produce Testing Tool ("Walter Declaration"). Based on  
10 my review, the redacted portions contain confidential technical information regarding the  
11 operation of Apple's products which could harm Apple if publicly disclosed.

12 8. I have reviewed **Exhibit 6** [Mar. 18, 2011 Elan ITC Posthearing Reply Br.] to the  
13 Walter Declaration. Based on my review, the exhibit consists predominantly of confidential  
14 technical information regarding the operation of Apple's products which could harm Apple if  
15 publicly disclosed.

16 9. I have reviewed **Exhibit 7** [ITC Trial Transcript] to the Walter Declaration. Based  
17 on my review, the exhibit consists predominantly of confidential technical information regarding  
18 the operation of Apple's products which could harm Apple if publicly disclosed.

19 10. I have reviewed **Exhibit 8** [Mar. 4, 2011 Elan ITC Posthearing Br.] to the Walter  
20 Declaration. Based on my review, the exhibit consists predominantly of confidential technical  
21 information regarding the operation of Apple's products which could harm Apple if publicly  
22 disclosed.

23 11. I have reviewed **Exhibit 9** [APEL0397519] to the Walter Declaration. Based on  
24 my review, the exhibit consists predominantly of confidential technical information regarding the  
25 operation of Apple's products which could harm Apple if publicly disclosed.

26 12. I have reviewed **Exhibit 10** [APEL0399166] to the Walter Declaration. Based on  
27 my review, the exhibit consists predominantly of confidential technical information regarding the  
28 operation of Apple's products which could harm Apple if publicly disclosed.

