

1 YITAI HU (SBN 248085)
 yitai.hu@alston.com
 2 SEAN P. DEBRUINE (SBN 168071)
 sean.debrune@alston.com
 3 ELIZABETH H. RADER (SBN 184963)
 elizabeth.rader@alston.com
 4 JANE HAN BU (SBN 240081)
 jane.bu@alston.com
 5 JENNIFER LIU (SBN 268990)
 celine.liu@alston.com
 6 PALANI P. RATHINASAMY (SBN 269852)
 palani.rathinasamy@alston.com
 7 **ALSTON & BIRD LLP**
 275 Middlefield Road, Suite 150
 8 Menlo Park, CA 94025-4008
 Telephone: 650-838-2000
 9 Facsimile: 650-838-2001

10 Attorneys for Plaintiff and Counterdefendant
 ELAN MICROELECTRONICS
 11 CORPORATION

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION
 16

17 ELAN MICROELECTRONICS
 18 CORPORATION,
 19 Plaintiff and Counterdefendant,
 20 v.
 21 APPLE, INC.,
 22 Defendant and Counterplaintiff.

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

**DECLARATION OF JENNIFER LIU IN
 SUPPORT OF DEFENDANT APPLE
 INC.'S ADMINISTRATIVE MOTION
 TO FILE UNDER SEAL APPLE INC.'S
 MOTION TO COMPEL AND RELATED
 DOCUMENTS**

23
 24 AND RELATED COUNTERCLAIMS
 25

1 I, Jennifer Liu, declare as follows:

2 1. I am an attorney with the law firm of Alston & Bird LLP, counsel to Plaintiff Elan
3 Microelectronics Corporation (“Elan”) in this action. I now submit this declaration pursuant to
4 Civil Local Rule 79-5 in support of Defendant Apple Inc.’s Administrative Motion to File Under
5 Seal Apple Inc.’s Motion to Compel and Related Documents (Dkt No. 224).

6 2. I have reviewed the redacted version of Apple Inc.’s Notice of Motion and Motion
7 to Compel (1) Discovery Relating to Elan’s U.S. Sales; (2) Documents Improperly Withheld on
8 the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the redacted portions
9 contain sensitive business information including Elan’s product sales and downstream customers
10 information, as well as Elan counsel’s analysis on Apple’s patents in anticipation of litigation, that
11 could harm Elan if publicly disclosed.

12 3. I have reviewed Exhibit 2 to the Declaration of Derek Walter in Support of Apple
13 Inc.’s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
14 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
15 document contains sensitive business information including Elan’s internal product codenames
16 and downstream customers and products information, that could harm Elan if publicly disclosed.

17 4. I have reviewed Exhibit 4 to the Declaration of Derek Walter in Support of Apple
18 Inc.’s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
19 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
20 document contains sensitive business information including Elan’s downstream customers and
21 products information, that could harm Elan if publicly disclosed.

22 5. Elan states that it has met and conferred with Apple, Inc. (“Apple”) regarding
23 Exhibit 8 to the Declaration of Derek Walter in Support of Apple Inc.’s Motion to Compel (1)
24 Discovery Relating to U.S. Sales; (2) Documents Improperly Withheld on the Basis of Privilege;
25 and (3) Inventor Depositions. Apple agreed to revise Exhibit 8 by submitting only the relevant
26 pages of I.H. Yeh’s deposition transcript, taken on November 17, 2010, pages 1-5, 82-89 and 124
27 under seal. Based on my review of the revised Exhibit 8, the document contains predominantly of
28 sensitive business information including Elan’s downstream customers and products information,

1 that could harm Elan if publicly disclosed.

2 6. Elan states that it has met and conferred with Apple regarding Exhibit 11 to the
3 Declaration of Derek Walter in Support of Apple Inc.'s Motion to Compel (1) Discovery Relating
4 to U.S. Sales; (2) Documents Improperly Withheld on the Basis of Privilege; and (3) Inventor
5 Depositions. Apple agreed to revise Exhibit 11 by submitting only the relevant pages of Ian
6 Chung's deposition transcript, taken on November 15, 2010, pages 1-9, 82-93 and 140 under seal.
7 Based on my review of the revised Exhibit 11, the document contains predominantly of sensitive
8 business information including Elan's downstream customers and products information, that could
9 harm Elan if publicly disclosed.

10 7. I have reviewed Exhibit 12 to the Declaration of Derek Walter in Support of Apple
11 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
12 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
13 document contains sensitive business information including Elan's downstream customers and
14 products information, that could harm Elan if publicly disclosed.

15 8. I have reviewed Exhibit 13 to the Declaration of Derek Walter in Support of Apple
16 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
17 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
18 document contains sensitive business information including Elan's product code driver
19 information and downstream customers and products information, that could harm Elan if publicly
20 disclosed.

21 9. I have reviewed Exhibit 14 to the Declaration of Derek Walter in Support of Apple
22 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
23 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
24 document contains sensitive business information including Elan's product sales and downstream
25 customers information, as well as Elan counsel's analysis on Apple's patents in anticipation of
26 litigation, that could harm Elan if publicly disclosed.

27 10. I have reviewed Exhibit 16 to the Declaration of Derek Walter in Support of Apple
28 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly

1 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
2 document contains sensitive business information including Elan's product sales and downstream
3 customers information, as well as Elan counsel's analysis on Apple's patents in anticipation of
4 litigation, that could harm Elan if publicly disclosed.

5 11. Elan states that it has met and conferred with Apple regarding Exhibit 17 to the
6 Declaration of Derek Walter in Support of Apple Inc.'s Motion to Compel (1) Discovery Relating
7 to U.S. Sales; (2) Documents Improperly Withheld on the Basis of Privilege; and (3) Inventor
8 Depositions. Apple agreed to revise Exhibit 17 by submitting only the relevant pages of I.H.
9 Yeh's deposition transcript, taken on November 18, 2010, pages 125-133 and 193 under seal.
10 Based on my review of the revised Exhibit 17, the document contains predominantly of sensitive
11 business information including Elan's downstream customers and products information, that could
12 harm Elan if publicly disclosed.

13 12. I have reviewed Exhibit 18 to the Declaration of Derek Walter in Support of Apple
14 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
15 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
16 document contains sensitive business information including Elan's downstream customer
17 information, that could harm Elan if publicly disclosed.

18 13. I have reviewed Exhibit 19 to the Declaration of Derek Walter in Support of Apple
19 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
20 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
21 document contain confidential communication between Elan and its agent regarding sensitive Elan
22 business information, including Elan's downstream customer information, that could harm Elan if
23 publicly disclosed.

24 14. I have reviewed Exhibit 20 to the Declaration of Derek Walter in Support of Apple
25 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
26 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
27 document contains sensitive business information including Elan's internal product testing
28 information and downstream customers information, that could harm Elan if publicly disclosed.

1 15. I have reviewed Exhibit 21 to the Declaration of Derek Walter in Support of Apple
2 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
3 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
4 documents contains sensitive business information including Elan's product sales and downstream
5 customers information, as well as Elan counsel's analysis on Apple's patents in anticipation of
6 litigation, that could harm Elan if publicly disclosed.

7 16. I have reviewed Exhibit 23 to the Declaration of Derek Walter in Support of Apple
8 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
9 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
10 document contains sensitive legal information including description of Elan's internal
11 communications, that could harm Elan if publicly disclosed.

12 17. I have reviewed Exhibit 25 to the Declaration of Derek Walter in Support of Apple
13 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
14 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
15 document contains sensitive legal information including description of Elan's internal
16 communications, that could harm Elan if publicly disclosed.

17 18. I have reviewed Exhibit 26 to the Declaration of Derek Walter in Support of Apple
18 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
19 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
20 document contains sensitive legal information including description of Elan's internal
21 communications, that could harm Elan if publicly disclosed.

22 19. Elan states that it has met and conferred with Apple regarding Exhibit 27 to the
23 Declaration of Derek Walter in Support of Apple Inc.'s Motion to Compel (1) Discovery Relating
24 to U.S. Sales; (2) Documents Improperly Withheld on the Basis of Privilege; and (3) Inventor
25 Depositions. Apple agreed to revise Exhibit 27 by submitting only the relevant pages of Wayne
26 Chang's deposition transcript, taken on November 15, 2010, pages 1-5, 14-21 and 118. Based on
27 my review of the revised Exhibit 27, the document does not contain confidential information.
28 Pursuant to Local Rule 79-5, Elan withdraws the designation of confidentiality for the revised

1 Exhibit 27.

2 20. I have reviewed Exhibit 30 to the Declaration of Derek Walter in Support of Apple
3 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
4 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
5 document contains confidential information relating to the inventors' of U.S. Patent No. 7,274,353,
6 that could harm Elan if publicly disclosed.

7 21. I have reviewed Exhibit 34 to the Declaration of Derek Walter in Support of Apple
8 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
9 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
10 document is Elan's confidential draft patent application that could harm Elan if publicly disclosed.

11 22. I have reviewed Exhibit 35 to the Declaration of Derek Walter in Support of Apple
12 Inc.'s Motion to Compel (1) Discovery Relating to U.S. Sales; (2) Documents Improperly
13 Withheld on the Basis of Privilege; and (3) Inventor Depositions. Based on my review, the
14 documents contains sensitive business information including Elan's product sales and downstream
15 customers information.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct.

18 Executed this 7th day of June, 2011 at Menlo Park, California.

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/s/ Jennifer Liu

Jennifer Liu

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