

EXHIBIT A

From: DeBruine, Sean
Sent: Thursday, May 19, 2011 10:23 AM
To: Mehta, Sonal
Cc: Apple Elan WGM Service; Elan Apple Team
Subject: RE: Stipulation to Continue CMC

Sonal,

As we agreed earlier, Apple's opposition is not due until June 2. As I also mentioned, however, Elan is concerned with the continued delays Apple seeks to impose on the resolution of this motion. Despite Apple's the tenuous claim that it needs to depose Mr. Dezmelyk before responding to the motion, Elan quickly scheduled that deposition such that only a one week delay would be necessary. Apple's response was that the date wasn't convenient. We have rescheduled the deposition to suit Apple's needs such that a two week delay would result, only to be told that the ensuing hearing date, and the next, are likewise not convenient for Apple. In short, absent the agreement of the Court to the June 20 date, Apple is seeking to delay the resolution of this motion by a full month.

We are not opposed to moving the hearing to June 20 if the Court is available. I have not heard back from the courtroom deputy as to whether that is a possibility. However, before agreeing to a delay until July 7, however, we would like some idea as to why Apple cannot be available for a hearing on either June 23 or June 30.

Also, please address your proposal for scheduling the further Case Management Conference.

Best regards,

Sean

From: Mehta, Sonal [mailto:Sonal.Mehta@weil.com]
Sent: Wednesday, May 18, 2011 7:53 PM
To: Mehta, Sonal
Cc: DeBruine, Sean; Apple Elan WGM Service; Elan Apple Team
Subject: Re: Stipulation to Continue CMC

Sean,

We have not yet heard from you regarding our proposal below. Because the original deadline for filing our response to Elan's motion for partial summary judgment is tomorrow, we will need a response from you first thing [tomorrow morning](#). In the event that we don't have a response, Apple will file a motion seeking to enlarge the time for responding to Elan's summary judgment motion. In that motion, we will seek to have the hearing date moved to [July 7](#).

Thanks,
Sonal

On May 17, 2011, at 5:01 PM, "Mehta, Sonal" <Sonal.Mehta@weil.com> wrote:

Sean,

We can agree to work within the framework of the two week extension of the current schedule that you propose, including the deposition of Mr. Dezmelyk next week on May 24th. Unfortunately, the hearing

date of June 23 that you propose will not work for us. As an alternative, we suggest proposing to the Court a hearing date of June 20, which is the next closest date that will work. However, please note that June 20 is a Monday, which is not Judge Seeborg's normal motion day. Therefore, in the parties' proposed stipulation, we think it would be wise to also suggest an alternative date as a backup in the event that Judge Seeborg is unable to accommodate us on June 20. The next normal motion date that would work for us is July 7. Please confirm that this proposal will work for you.

Thanks,
Sonal

From: DeBruine, Sean [mailto:Sean.DeBruine@alston.com]
Sent: Monday, May 16, 2011 02:37 PM
To: Mehta, Sonal; Apple Elan WGM Service
Cc: Elan Apple Team <Elan.Apple.Team@alston.com>
Subject: RE: Stipulation to Continue CMC

Sonal,

In light of Apple's insistence that Mr. Dezmelyk's deposition is necessary to its opposition to the summary judgment motion, and our prompt offer to make Mr. Dezmelyk available at a time that would minimize the delay this deposition would cause, we are disappointed that Apple's counsel will not go forward on the 18th. Nevertheless, we have been able to make adjustments in Mr. Dezmelyk's schedule, as well as our own, so that the deposition can take place on Tuesday May 24.

As you know, under the local rules Apple's opposition is due 21 days before the hearing. Under your proposal that Apple file its opposition on June 2 and absent an agreement by the Court to shorten the time between completion of briefing and the hearing, the hearing would be scheduled for June 23. Elan is willing to reschedule the hearing for that date, but will not agree to any further delay. It would also make sense to continue the further CMC to that day as well.

Please confirm that this schedule is acceptable to Apple.

Thanks,

Sean

From: Mehta, Sonal [mailto:Sonal.Mehta@weil.com]
Sent: Friday, May 13, 2011 1:44 PM
To: DeBruine, Sean

Cc: Apple Elan WGM Service; Elan Apple Team
Subject: RE: Stipulation to Continue CMC

Sean,

Thanks for getting back to us. Unfortunately, the 18th does not work for us for a deposition. We are generally available the following week, the week of the 23rd. Please let us know whether there is a day that week that will work for Mr. Dezmelyk. If so, we could probably make June 2 work for our opposition, with June 9 for your reply. In any case, we are looking into whether June 16 works as a hearing date or whether we'll need to reschedule to another date and will get back to you.

Best,

<image001.jpg>

Sonal N. Mehta

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From: DeBruine, Sean [mailto:Sean.DeBruine@alston.com]
Sent: Friday, May 13, 2011 10:56 AM
To: Mehta, Sonal
Cc: Apple Elan WGM Service; Elan Apple Team
Subject: RE: Stipulation to Continue CMC

Sonal,

I can confirm that Mr. Dezmelyk is available for deposition on Wednesday May 18. I assume that we will begin at 9:00am at your office, but please let me know if you would like to make other arrangements. In light of this schedule we propose that Apple file its opposition to Elan's motion on May 26, with Elan's reply due June 2. This schedule should provide Apple ample time to address any relevant testimony by Mr. Dezmelyk, and permit us to schedule the hearing on Elan's motion for June 16 along with the Case Management Conference. Please confirm that this schedule works for Apple and we will re-notice the summary judgment motion.

With regard to the case management conference, I am still awaiting your approval to file the stipulation as we agreed. Please let me know if our agreement still holds.

Best regards,

Sean

From: Mehta, Sonal [mailto:Sonal.Mehta@weil.com]
Sent: Tuesday, May 10, 2011 1:42 PM
To: DeBruine, Sean
Cc: Apple Elan WGM Service; Elan Apple Team
Subject: RE: Stipulation to Continue CMC

Sean,

To follow-up on my vmail yesterday, we would like to discuss scheduling related to Elan's recent motion for summary judgment. Given that the motion presents Elan's infringement theory for the first time and comes before the conclusion of fact discovery, expert discovery, and claim construction, Apple will need an opportunity to take discovery relating to Elan's theories before responding to the motion. We will also need to set up a meet and confer regarding additional claim construction proceedings on the '352 patent (and more broadly) in advance of the CMC. Please let us know when Mr. Dezmelyk can be available for deposition on his opinions in support of the motion and confirm that Elan will consent to an extension of time for Apple's opposition and the hearing date to accommodate that deposition. Depending on when that deposition can be scheduled, we expect we will need an extension of at least three weeks. We will address the meet and confer on additional claim construction proceedings by separate email.

We'll take a look at the stipulation regarding the CMC and get back to you shortly.

Best,
Sonal

<image001.jpg>

Sonal N. Mehta

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From: DeBruine, Sean [<mailto:Sean.DeBruine@alston.com>]
Sent: Monday, May 09, 2011 3:31 PM
To: Mehta, Sonal
Cc: Apple Elan WGM Service; Elan Apple Team
Subject: Stipulation to Continue CMC

Sonal,

Per our discussion last week, attached is a stipulation and proposed order to change the date of the Further Case Management Conference from June 2 to June 16. Please let me know if I have your approval to file.

Thanks.

Sean DeBruine
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