

# Exhibit 1

## (Filed Under Seal)

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**WASHINGTON, D.C.**

Before the Honorable Paul J. Luckern  
Chief Administrative Law Judge

In the Matter of

CERTAIN ELECTRONIC DEVICES  
WITH MULTI-TOUCH ENABLED  
TOUCHPADS AND TOUCHSCREENS

Investigation No. 337-TA-714

**RESPONDENT APPLE INC.'S OBJECTIONS AND RESPONSES  
TO ELAN MICROELECTRONICS CORPORATION'S  
THIRD SET OF INTERROGATORIES (NOS. 26-37)**

Pursuant to 19 C.F.R. §§ 210.27 and 210.29, the United States International Trade Commission's Rules of Practice and Procedure, the Ground Rules, and the Protective Order (Order No. 2) issued in this Investigation, Respondent Apple Inc. ("Apple") hereby responds to the Second Set of Interrogatories (Nos. 26-37) served by Complainant Elan Microelectronics Corporation ("Elan").

**GENERAL OBJECTIONS**

Apple makes the following General Objections to each Interrogatory in Elan's Second Set of Interrogatories to Apple (Nos. 26-37) ("Interrogatories"), and expressly incorporates each of them into the specific responses set forth below.

1. Apple objects to the "definitions and instructions" stated in the Interrogatories to the extent they are inconsistent with the Commission's Rules of Practice and Procedure, the Ground Rules, or any other order issued in this Investigation. Apple will respond to the Interrogatories only to the extent required by the Commission's Rules of Practice and Procedure and said Ground Rules.

2. Apple objects to each Interrogatory to the extent it seeks information or documents that are protected by the attorney-client privilege, work product doctrine, common-interest or joint-defense privilege, and/or any other applicable privilege, protection, or immunity.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

Apple does not waive, intentionally or otherwise, any attorney-client privilege, work product immunity, or any other privilege, immunity, or other protection that may be asserted to protect any information from disclosure.

3. Apple objects to each Interrogatory to the extent it seeks the identification of documents not within Apple's possession, custody, or control.

4. Apple objects to each Interrogatory to the extent it calls for the production of documents or information within the scope of a protective order, confidentiality agreement, or similar agreement.

5. Apple objects to each Interrogatory to the extent it seeks information or documents not relevant to the subject matter of this Investigation or to the claims or defenses of any party, not reasonably calculated to lead to the discovery of admissible evidence, or which is otherwise outside the proper scope of discovery.

6. Apple objects to each Interrogatory to the extent it is unduly burdensome or oppressive in nature, including to the extent they are cumulative and/or duplicative of other forms of discovery that are more convenient and less burdensome.

7. Apple objects to each Interrogatory to the extent that it uses terms that are not defined, understood, or are otherwise vague and ambiguous.

8. Apple objects to each Interrogatory to the extent it seeks production of "all," "every," or "any" documents that refer or relate to a particular subject on the grounds of overbreadth, undue burden and expense, and that it calls for information outside the scope of discovery.

9. Apple objects to each Interrogatory to the extent that a response is sought with respect to a question of law, or to the extent that it calls for an expert opinion.

10. Apple objects to Elan's definition of "documents" as being overly broad, unduly burdensome and oppressive, calling for information protected by the attorney-client

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

privilege or work product doctrine, outside the scope of discovery, and as seeking information and documents beyond Apple's possession, custody, or control.

11. Apple objects to Elan's definitions of "Apple," "Respondent," "you," and "your" as being overbroad, unduly burdensome and oppressive, calling for information and documents outside the scope of discovery, and as seeking information and documents beyond Apple's possession, custody, or control.

12. Apple's agreement to produce any category of information or documents is not a representation that any such documents or information in that category actually exist in Apple's possession, custody, or control, or can be located through a reasonable search, or that any such documents or information are relevant.

13. Apple's investigation is continuing and ongoing, and Apple reserves its right to supplement its responses and objections as appropriate.

14. Apple objects to Elan's definition of "Apple Product(s)," "Apple's Product(s)," "Respondent's Product(s)," and "Accused Products" as overbroad and unduly burdensome to the extent it is intended to cover any product that is not imported into the United States, sold for importation into the United States, or sold in the United States after importation, or any product other than the specific models identified in paragraph 31 of the Complaint, namely, Apple's iPhone3G, iPhone 3GS, iPod Touch, iPad, MacBook, MacBook Pro, MacBook Air, and Magic Mouse, to the extent those specific models so identified were, after March 29, 2010, either imported into the United States, sold for importation into the United States, or sold in the United States after importation. Apple will interpret "Apple Product," "Apple Products," "Apple's Product(s)" or "Defendant's Product(s)" as referring to Apple's iPhone 3G, iPhone 3GS, iPod Touch, iPad, MacBook, MacBook Pro, MacBook Air, and Magic Mouse commercial products, as well as the iPhone 4 and Magic Trackpad products by agreement of the parties, to the extent those specific models so identified have been, since March 29, 2010, imported or imported for sale by Apple (also referred to herein as the "Accused Products").

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

15. Apple objects to Elan's definition of "Accused Functionality" as vague. It is Elan's obligation to provide infringement contentions specifying the functionalities it accuses of meeting the limitations of the asserted claims. Apple further objects to the definition of "Accused Functionality" as lacking in foundation to the extent it assumes that Apple's products practice limitations of the asserted patent. Apple will interpret "Accused Functionality" to mean the specific functionalities Elan has accused of meeting claim limitations in Elan's Complaint and accompanying claim charts asserting infringement.

16. Apple objects to each Interrogatory to the extent that discovery is sought concerning products that are not imported into the United States, sold for importation into the United States, or sold in the United States after importation.

17. Apple objects to the temporal scope of each Interrogatory as overly broad and unduly burdensome. Except where otherwise specified, Apple will provide discovery for the period of time beginning on March 29, 2009.

18. Apple objects to the Interrogatories to the extent that they seek confidential source code information where the relevant operation or functionality can be determined without reference to the source code.

19. Apple objects to each Interrogatory to the extent it seeks information already in Elan's possession or is available to Elan from public sources for which the burden of obtaining such information is the same or less for Elan as it is for Apple. Apple provides these responses with the understanding that Elan is in possession of or has access to such sources, including, without limitation, Apple's website.

**SPECIFIC OBJECTIONS & RESPONSES**

**INTERROGATORY NO. 26:**

Identify each issued patent in the United States invented, either solely or jointly, by the individuals identified in response to Elan's Interrogatory No. 16.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

**RESPONSE TO INTERROGATORY NO. 26:**

In addition to its General Objections, Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Apple further objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan, including because it seeks information that is publicly available, for example, on the USPTO website. Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including information available in documents.

Subject to and without waiving its objections, Apple responds that its search of issued patents in a public database has identified the following US patents on which Steven Hotelling, Director, Touch Hardware, is named as an inventor: US5138154; US5594169; US5698784; US5825350; US6929391; US7049575; US7154477; US7352567; US7394458; US7407315; US7428142; US7464590; US7511702; US7538760; US7561146; US7566858; US7599044; US7643010; US7644604; US7653883; US7655937; US76563931; US7663601; US7663607; US7671837; US7673510; US7692638; US7715187; US7719522; US7728823; US7766517; US7800592; US7808479; US7812827; USD527659; USD527660; and USD532324.

Apple further responds that its search of issued patents in a public database has identified the following US patents on which Wayne Westerman, Firmware Engineer 5, Human Interface Devices is named as an inventor: US6323846; US6570557; US6677932; US6888536; US7030861; US7339580; US7479949; US7619618; US7643010; US7643011; US7656394; US7705830; US7764274; US7777732; US7782307; US7812828; USRE40153; and USRE40993.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

Apple reserves the right to amend, supplement, and/or correct its response to this Interrogatory as additional information becomes available to Apple during the course of its discovery and investigation.

**INTERROGATORY NO. 27:**

Identify each published patent application in the United States invented, either solely or jointly, by the individuals identified in response to Elan's Interrogatory No. 16.

**RESPONSE TO INTERROGATORY NO. 27:**

In addition to its General Objections, Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Apple further objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan, including because it seeks information that is publicly available, for example, on the USPTO website. Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including information available in documents.

Subject to and without waiving its objections, Apple responds that its search of published applications in a public database identified the following published US patent applications on which Steven Hotelling, Director, Touch Hardware, is named as an inventor:

US2004156192; US2005024843; US2005051708; US2005254255; US2006026521;  
US2006026535; US2006026536; US2006044259; US2006066581; US2006066582;  
US2006066588; US2006097991; US2006161870; US2006161871; US2006197750;  
US2006197753; US2006235864; US2006238517; US2006290677; US2006290921;  
US2007035917; US2007043725; US2007052044; US2007080823; US2007152966;  
US2007177316; US2007182722; US2007186652; US2007194842; US2007229464;

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

US2007236466; US2007257890; US2007283832; US2008006453; US2008006454;  
US2008007533; US2008007539; US2008036734; US2008036743; US2008062139;  
US2008062140; US2008062147; US2008062148; US2008088602; US2008121782;  
US2008143683; US2008158147; US2008158167; US2008158168; US2008158172;  
US2008158174; US2008158175; US2008158176; US2008158178; US2008158181;  
US2008158183; US2008158184; US2008165139; US2008165158; US2008167834;  
US2008204426; US2008211775; US2008211783; US2008211784; US2008211785;  
US2008219672; US2008223628; US2008231610; US2008272272; US2008273350;  
US2008278899; US2008297476; US2008297477; US2008297478; US2008297487;  
US2008309623; US2008309624; US2008309625; US2008309627; US2008309628;  
US2008309631; US2008309633; US2008309634; US2009000010; US2009002343;  
US2009009483; US2009016003; US2009066670; US2009090694; US2009091551;  
US2009096757; US2009096758; US2009159344; US2009160787; US2009167699;  
US2009189867; US2009231305; US2009244014; US2009244092; US2009266621;  
US2009267916; US2009273570; US2009273573; US2009277578; US2009289571;  
US2009290359; US2009295753; US2009314621; US2009315850; US2009315851;  
US2009324939; US2010001973; US2010001978; US2010013800; US2010026656;  
US2010059294; US2010059295; US2010060591; US2010064160; US2010066683;  
US2010078230; US2010079387; US2010079402; US2010094585; US2010103108;  
US2010121741; US2010141603; US2010141608; US2010149108; US2010177476;  
US2010193257; US2010194695; US2010194697; US2010194698; US2010194707;  
US2010195004; US2010201539; and US2010253638.



**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

Apple further responds that its search of published applications in a public database identified the following published US patent applications on which Wayne Westerman, Firmware Engineer 5, Human Interface Devices is named as an inventor: US2002015024; US2005104867; US2006032680; US2006125803; US2006232567; US2006238518; US2006238519; US2006238520; US2006238521; US2006238522; US2007070050; US2007070051; US2007070052; US2007078919; US2007081726; US2007139395; US2007177803; US2007177804; US2007247429; US2007268273; US2007268274; US2007268275; US2008036743; US2008041639; US2008042986; US2008042987; US2008042988; US2008042989; US2008094370; US2008122796; US2008128182; US2008158145; US2008158146; US2008158147; US2008158168; US2008158169; US2008158170; US2008158174; US2008158182; US2008158185; US2008163130; US2008165140; US2008165255; US2008167834; US2008168403; US2008174570; US2008211766; US2008303681; US2008309625; US2008309626; US2008309628; US2008309629; US2008309630; US2008309631; US2008309632; US2008309634; US2008316183; US2009021489; US2009160787; US2009160816; US2009167700; US2009174676; US2009174679; US2009174688; US2009228792; US2009228842; US2009244031; US2009244032; US2009244033; US2009249236; US2009251435; US2009251438; US2009251439; US2009315830; US2010073301; US2010117961; US2010117962; US2010117963; US2010139990; US2010149092; US2010149134; US2010192109; US2010211920; and US2010235780.

Apple reserves the right to amend, supplement, and/or correct its response to this Interrogatory as additional information becomes available to Apple during the course of its discovery and investigation.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

**INTERROGATORY NO. 28:**

Identify all patents or patent applications, pending or abandoned, filed anywhere in the world by Apple that cite or mention Elan's Patent.

**RESPONSE TO INTERROGATORY NO. 28:**

In addition to its General Objections, Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive. Apple further objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan, including because it seeks information that is publicly available, for example, on the USPTO website.

**INTERROGATORY NO. 29:**

Identify all patents or patent applications, pending or abandoned, filed anywhere in the world by Apple whereby the Patent Examiner cited or mentioned Elan's Patent.

**RESPONSE TO INTERROGATORY NO. 29:**

In addition to its General Objections, Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive. Apple further objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan, including because it seeks information that is publicly available, for example, on the USPTO website.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

**INTERROGATORY NO. 30:**

Identify in a chart for each identified patent or patent application identified in response to Elan's Interrogatory No. 28 and Elan's Interrogatory No. 29: (a) the names of the inventors, (b) the patent or application number, (c) the country in which the patent or patent application issued or was filed, (d) the dates of filing, publication, and grant and (d) the title of the patent or patent application.

**RESPONSE TO INTERROGATORY NO. 30:**

In addition to its General Objections, Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Apple further objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan, including because it seeks information that is publicly available, for example, on the USPTO website. Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive. Apple objects to this Interrogatory to the extent that it is duplicative of Elan's other interrogatories, including Interrogatory Nos. 26-29. Apple objects to this interrogatory as unduly burdensome insofar as Elan is equally capable of assembling publicly available information and information provided by Apple in response to Elan's other Interrogatories in whatever format Elan chooses.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

**INTERROGATORY NO. 31:**

For each product identified in response to Elan's Interrogatory No. 1 identify (a) the chipset(s) incorporated in the product's touchpad and/or touchscreen, (b) the firmware(s) incorporated in each chipset, and (c) the version (s) of the firmware incorporated in the chipset.

**RESPONSE TO INTERROGATORY NO. 31:**

In addition to its General Objections, Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including information available in documents and source code. Apple objects to the extent that this Interrogatory is duplicative of Elan's Interrogatory Nos. 1 and 32-34. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

Subject to and without waiving its General and Specific Objections, Apple responds as follows. Apple states that it has identified the project names for the accused products in response to Elan Interrogatory No. 1. Apple states that it has made firmware source code for the accused functionality in the accused products available for inspection. That source code is organized into folders by release and provides Elan with discovery of the firmware relevant to the accused functionality in the accused products.

Apple further states that it has produced Bills of Materials for the accused products from which the relevant ASICs can be determined:

iPhone 3GS	APEL0106368-0106733
iPod Touch	APEL0106734-0107308
Magic Mouse	APEL0249341-0249520
MacBook Air	APEL0249521-0253953
MacBook	APEL0261345-0293031

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

MacBook Pro	APEL0294884-0300036
MacBook	APEL0300037-0301934
MacBook Pro	APEL0301935-0329552
iPad	APEL12698766-1270471
iPhone 4	APEL1442393-1444569

Based on these documents and the source code made available for inspection, Apple further states that the following ASICs are or have been associated with the accused functionality in the accused products imported or imported for sale by Apple since March 29, 2010: [REDACTED] [REDACTED]

[REDACTED]

Apple reserves the right to amend, supplement, and/or correct its response to this Interrogatory as additional information becomes available to Apple during the course of its discovery and investigation.

**INTERROGATORY NO. 32:**

Identify each and every marketing name, project name, internal name, part number code name or number and all other unique designations for each chipset identified in response to Elan's Interrogatory No. 31.

**RESPONSE TO INTERROGATORY NO. 32:**

In addition to its General Objections, Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including information available in documents and source code. Apple objects to the extent that this Interrogatory is duplicative of Elan's Interrogatory Nos. 1 and 31. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

Subject to and without waiving its General and Specific Objections, Apple directs Elan to Apple's Response to Elan Interrogatory Nos. 1 and 31.

**INTERROGATORY NO. 33:**

Identify each and every marketing name, project name, internal name, part number, code name or number and all other unique designations for each firmware identified in response to Elan's Interrogatory No. 31.

**RESPONSE TO INTERROGATORY NO. 33:**

In addition to its General Objections, Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including information available in documents. Apple objects to the extent that this Interrogatory is duplicative of Elan's Interrogatory Nos. 1 and 31. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

Subject to and without waiving its General and Specific Objections, Apple directs Elan to Apple's Response to Elan Interrogatory Nos. 1 and 31.

**INTERROGATORY NO. 34:**

Identify each and every marketing name, project name, internal name, part number, code name or number and all other unique designations for each firmware version identified in response to Elan's Interrogatory No. 31.

**RESPONSE TO INTERROGATORY NO. 34:**

In addition to its General Objections, Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including information available in documents. Apple objects to

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

the extent that this Interrogatory is duplicative of Elan's Interrogatory No. 1 and 31. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

Subject to and without waiving its General and Specific Objections, Apple directs Elan to Apple's Response to Elan Interrogatory Nos. 1 and 31.

**INTERROGATORY NO. 35:**

Describe in detail any consideration, plan, or attempt by Apple to alter any product to avoid infringement of Elan's Patent, and identify the person(s) knowledgeable of or involved in such consideration, plan, or attempt, and identify all documents which refer to such consideration, plan, or attempt.

**RESPONSE TO INTERROGATORY NO. 35:**

In addition to its General Objections, Apple objects to this Interrogatory to the extent it calls for information protected by the attorney-client privilege, work product doctrine or any other applicable privilege or immunity. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

**INTERROGATORY NO. 36:**

Provide the last know address and employer for each individual named in response to Elan's Interrogatory Nos. 1-35 who is not currently employed by Apple.

**RESPONSE TO INTERROGATORY NO. 36:**

Subject to and without waiving its General Objections, Apple responds that all of the individuals named in response to Elan's Interrogatory Nos. 1-35 are currently employed by Apple.

**CONTAINS CONFIDENTIAL BUSINESS INFORMATION**  
**SUBJECT TO PROTECTIVE ORDER**

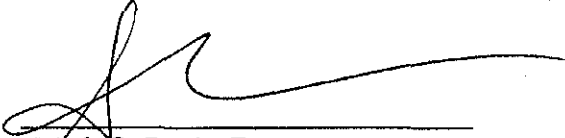
**INTERROGATORY NO. 37:**

Provide the last know address and employer for Joshua Strickon, if he is not currently employed by Apple.

**RESPONSE TO INTERROGATORY NO. 37:**

Subject to and without waiving its General Objections, Apple responds that Joshua Strickon is not currently employed at Apple. Mr. Strickon's last known address is 901 Brickell Key Boulevard, #805, Miami, FL 33131.

Date: October 28, 2010

  
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(650) 802-3100 (fax)

*Counsel for Respondent Apple Inc.*



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served on October 28, 2010 as indicated, on the following:

**Via Hand Delivery (2 copies)**

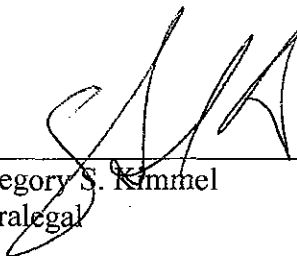
The Honorable Paul J. Luckern  
Office of the Administrative Law Judge  
U.S. International Trade Commission  
500 E Street SW, Room 317-H  
Washington, D.C. 20436

**Via Email and Hand Delivery**

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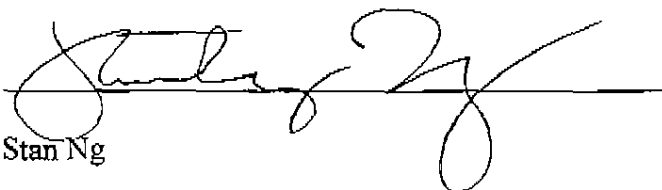
  
\_\_\_\_\_  
Gregory S. Kimmel  
Paralegal

## VERIFICATION

I, Stan Ng, am a representative of Apple Inc. I am authorized to make this verification on behalf of Apple Inc. I have read **RESPONDENT APPLE INC.'S OBJECTIONS AND RESPONSES TO ELAN MICROELECTRONICS CORPORATION'S THIRD SET OF INTERROGATORIES (NOS. 26-37)** and know its contents.

I am informed and believe that the responses provided there are true, and on that ground only, and not based upon personal knowledge of the matters stated herein, I declare under penalty of perjury that the same are true and correct.

Dated: October 29, 2010



Stan Ng

Title: Senior Director, WW Product Marketing

Apple Inc.