

Exhibit 2

(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 FIRST SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO ELAN MICROELECTRONICS CORPORATION'S
FIRST SET OF INTERROGATORIES (NOS. 1-5, 10, 12, 14-15, 18-19)**

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 First Set of Interrogatories (Nos. 1-24) served by Complainant Elan Microelectronics Corporation ("Elan").

GENERAL OBJECTIONS

Apple makes the following General Objections to each Interrogatory in Elan's First Set of Interrogatories to Apple (Nos. 1-24) ("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.

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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. 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. For example, Apple objects to each Interrogatory using claim language to the extent that Elan has not provided its proposed definition for that claim language.

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

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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 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 other than the specific commercial product 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, 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, either imported into the United States, sold for importation into the United States, or sold in

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the United States after importation. Apple will interpret “Apple Product(s),” “Apple’s Product(s),” “Respondent’s Product(s),” and “Accused Products” as referring to Apple’s iPhone3G, iPhone 3GS, iPod Touch, iPad, MacBook, MacBook Pro, MacBook Air, Magic Mouse, iPhone 4, and Magic Trackpad commercial products, 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 Apple products”).

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, certain of which seek discovery for the period of time beginning on January 1, 2007, and the rest of which contain no temporal limitation at all, 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. Apple will make source code for relevant operations or functionalities that are not otherwise ascertainable available for inspection after

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the Administrative Law Judge has entered a protective order with specific terms governing the inspection of 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. 1:

Identify by product name, product code and all internal product nomenclatures each Accused Product imported into the United States, sold for importation and/or sold within the United States after importation, and any Accused Products under development by Apple but not yet offered for sale that Apple intends to import into the United States, sell for importation and/or sell within the United States after importation within the next eighteen (18) months.

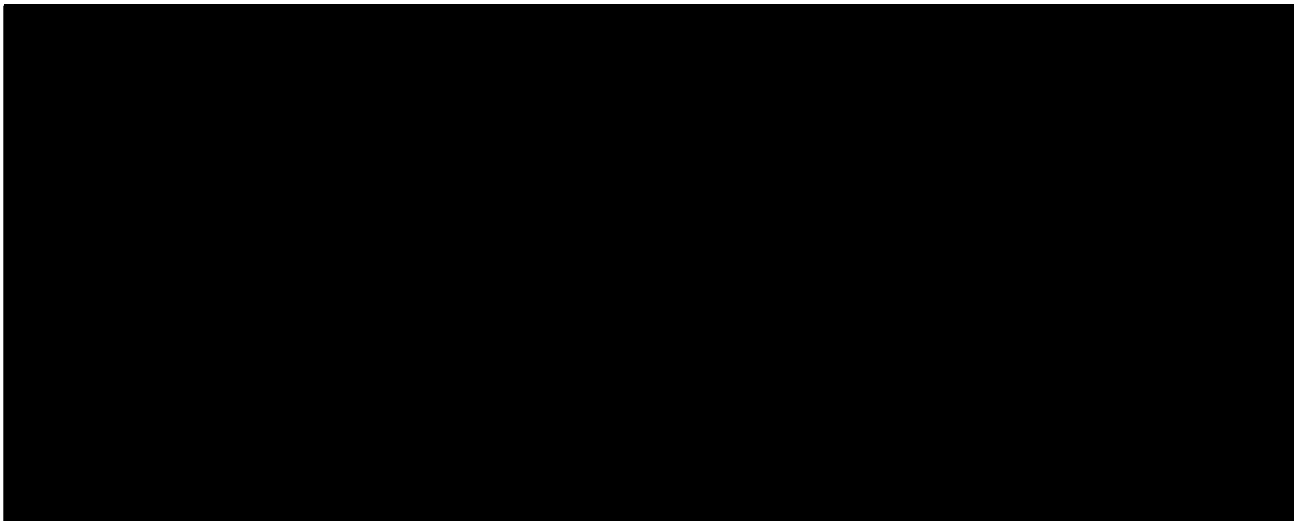
RESPONSE TO INTERROGATORY NO. 1:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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 that the phrase "Accused Products under development" is contradictory under Elan's definition of "Accused Product." Apple additionally objects to the extent this Interrogatory is intended to cover any product other than the specific commercial 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 have been, since March

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29, 2010, either imported into the United States, sold for importation into the United States, or sold in the United States after importation.

Subject to and without waiving its General and Specific Objections, Apple states that at least the following internal code names have been used by Apple to identify the accused Apple products:



Apple's investigation is ongoing, and Apple will supplement this response as appropriate.

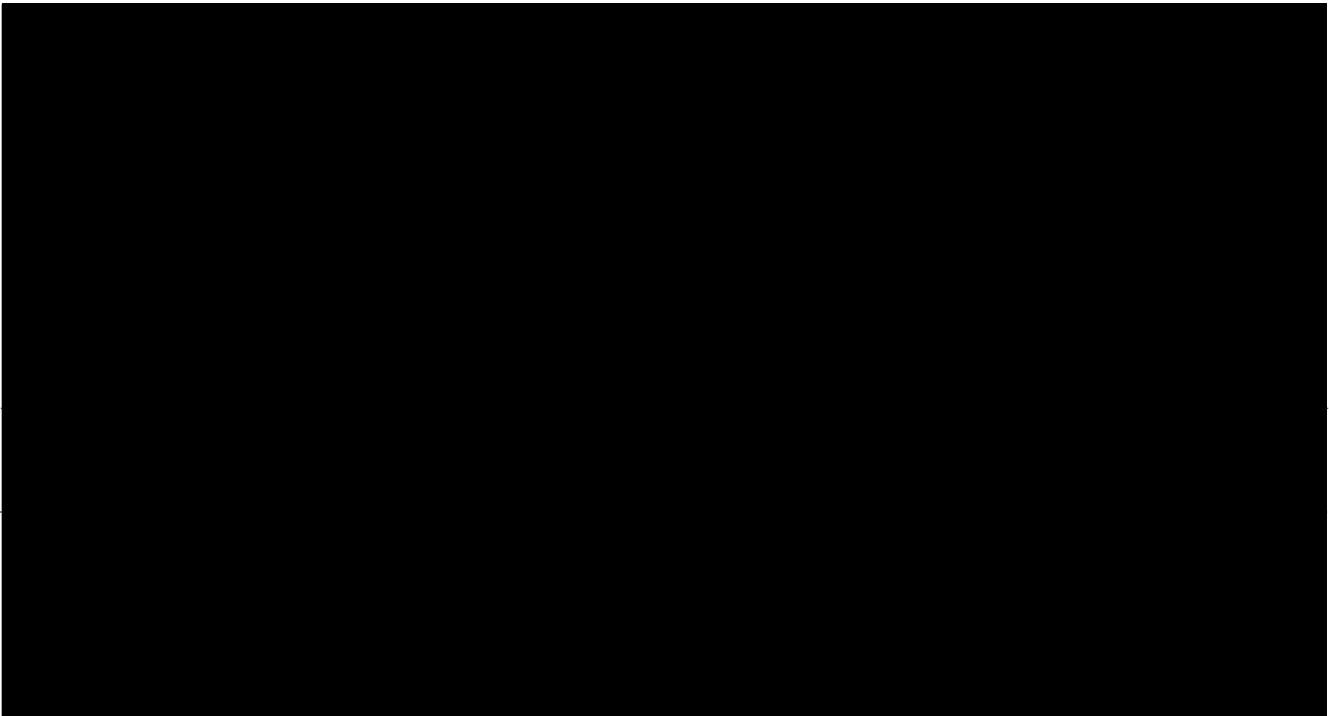
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery

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of relevant evidence. Apple further objects that the phrase “Accused Products under development” is contradictory under Elan’s definition of “Accused Product.” Apple additionally objects to the extent this Interrogatory is intended to cover any product other than the specific commercial 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, as well as Apple’s iPhone 4, to the extent those specific models so identified have been, since March 29, 2010, either imported into the United States, sold for importation into the United States, or sold in the United States after importation.

Subject to and without waiving its General and Specific Objections, Apple states that at least the following internal code names have been used by Apple to identify the accused Apple products:



Apple’s investigation is ongoing, and Apple will supplement this response as appropriate.

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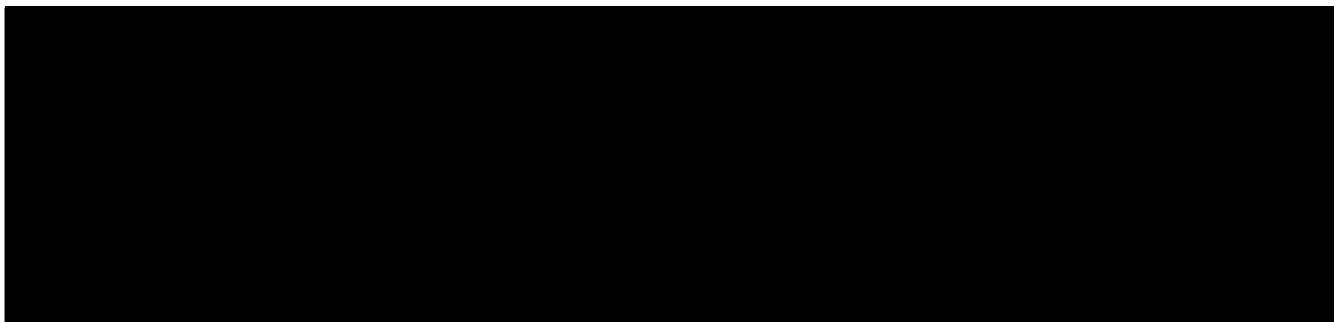
INTERROGATORY NO. 2:

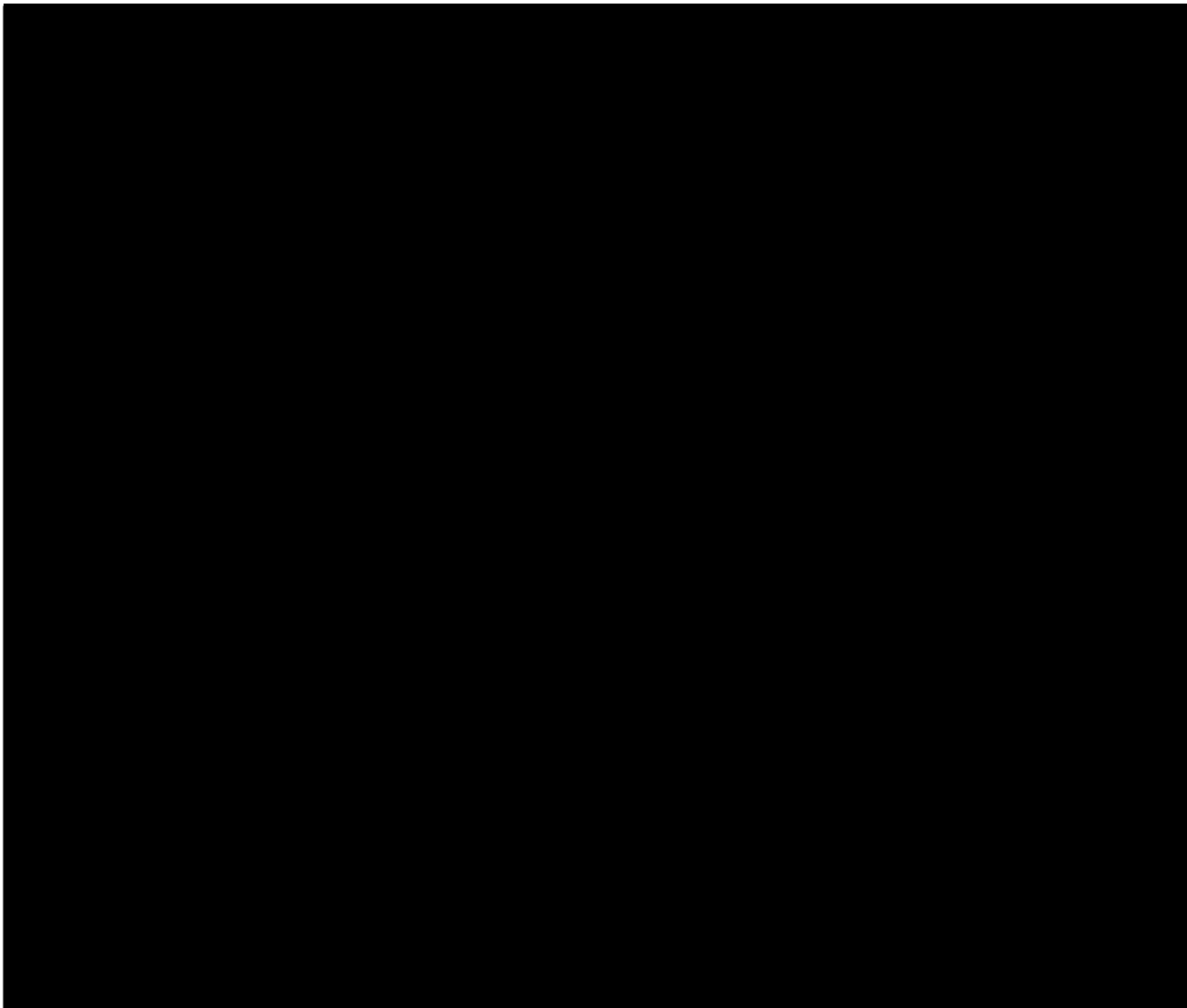
Separately for each Accused Product identified in response to Interrogatory No. 1, identify each entity responsible for the design, manufacture, sale to Apple or Apple's agents or affiliates, transportation, forwarding, brokerage and importation into the United States of the Accused Product.

RESPONSE TO INTERROGATORY NO. 2:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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 that Apple is responsible for the design of the accused Apple products. The entities that manufacture the accused Apple products are:





Apple is typically the importer of record for these products. The products are typically shipped into the United States by a carrier, for example FedEx Office, selected by Apple or its customer.

Apple's investigation is ongoing, and Apple will supplement this response as appropriate.

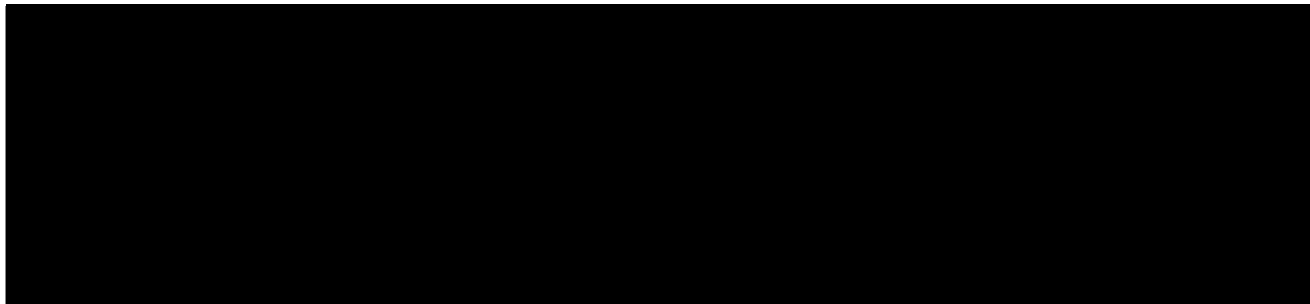
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

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 the Interrogatory on

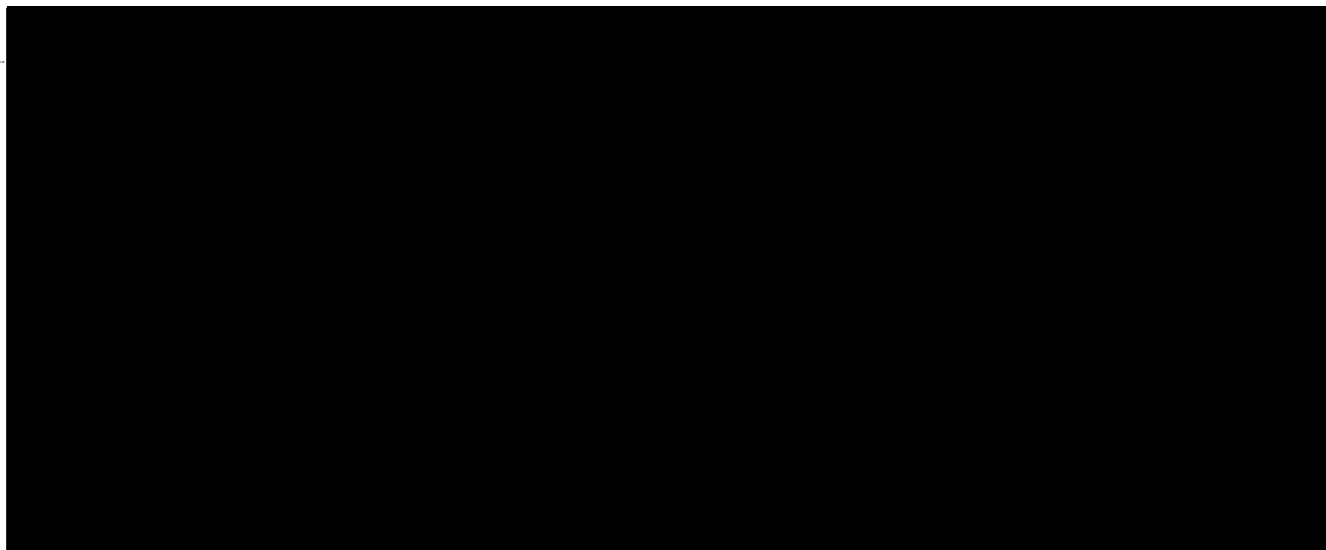
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the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. Apple objects to this Interrogatory to the extent it seeks information available through other means that are more convenient, less burdensome or less expensive, including information available in documents. Apple 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. 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 amends its response with respect to the iPhone 3G and iPhone 3GS as follows:



Apple supplements its response as follows. The entities that manufacture the iPhone 4 and Magic Trackpad are:



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Apple is typically the importer of record for these products. The products are typically shipped into the United States by a carrier, for example FedEx Office, selected by Apple or its customer. The ports of importation are any of numerous airports or seaports used by these carriers.

Apple's investigation is ongoing, and Apple will supplement this response as appropriate.

INTERROGATORY NO. 3:

Separately, for each Accused Product identified in response to Interrogatory No. 1, identify the volume and value of the Accused Product imported into the United States or admitted into a U.S. foreign trade zone since January 1, 2007, and the importer of record, ports of importation, and the Harmonized Tariff Schedule of the United States item number(s) used for Accused Products imported into the United States.

RESPONSE TO INTERROGATORY NO. 3:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

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Subject to and without waiving its General and Specific Objections, Apple responds that Apple is typically the importer of record for the Accused Products. The current Harmonized Tariff Schedule numbers for the Accused Products are:

iPhone 3G	8517.12.0050
iPhone 3GS	8517.12.0050
iPod Touch	8528.59.1500
iPad	8471.30.0100
MacBook	8471.30.0100
MacBook Pro	8471.30.0100
MacBook Air	8471.30.0100
Magic Mouse	8471.60.9050

Pursuant to Commission Rule 210.29(c), Apple will produce nonprivileged information believed to be responsive to this Interrogatory for the Accused Products, to the extent such information exists and is available after a reasonable search.

Apple's investigation is ongoing, and Apple will supplement this response as appropriate.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. Apple objects to this Interrogatory to the extent it seeks information available

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through other means that are more convenient, less burdensome or less expensive, including information available in documents. 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. 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 that Apple is typically the importer of record for the Accused Products. The current Harmonized Tariff Schedule numbers for the iPhone 4 and Magic Trackpad are:

iPhone 4	8517.12.0050
Magic Trackpad	8471.60.9050

Apple is typically the importer of record for these products. The products are typically shipped into the United States by a carrier, for example FedEx Office, selected by Apple or its customer. The ports of importation are any of numerous airports or seaports used by these carriers. Regarding volumes and values, see Confidential Appendix A to Apple's Response to the Complaint and Notice of Investigation.

Apple's investigation is ongoing, and Apple will supplement this response as appropriate.

INTERROGATORY NO. 4:

Separately, for each Accused Product identified in response to Interrogatory No. 1, identify (a) each wholesale or retail outlet at which Apple has sold the Accused Product after importation into the United States since January 1, 2007, (b) the average wholesale price of the Accused Product, and (c) Apple's suggested retail price of the Accused Product.

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RESPONSE TO INTERROGATORY NO. 4:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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 that information about retail outlets where Apple sells its products is publicly available. Apple sells its products online and through its retail Apple stores. The prices for Apple products are available on Apple's website, <http://store.apple.com/us>.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 reserves the right to amend, supplement, and/or

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correct its response to this Interrogatory as additional information becomes available to Apple during the course of its discovery and investigation. 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 that information about retail outlets where Apple sells its products is publicly available. Apple sells its products online and through its retail Apple stores. The prices for Apple products are available on Apple's website, <http://store.apple.com/us>. Information regarding wholesale prices may be found in documents bearing production numbers APEL0060246-APEL0060416. Apple also sells through authorized resellers. Information about Apple's authorized resellers is available on Apple's website, <http://www.apple.com/buy/>.

INTERROGATORY NO. 5:

Separately, for each Accused Product identified in response to Interrogatory No. 1, identify (a) each location where inventory is held by Apple or by any other entity on Apple's behalf; (b) the current inventory held at each location identified in (a) above; and (c) the entity that owns or holds the inventory at each location identified in (a) above.

RESPONSE TO INTERROGATORY NO. 5:

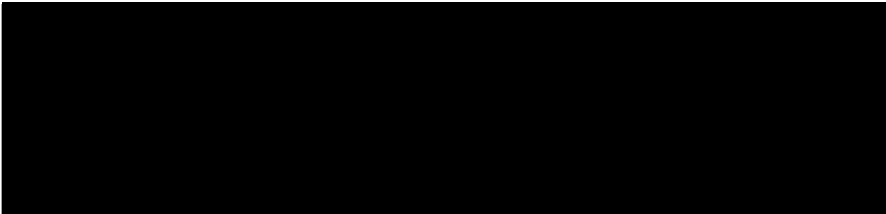
In addition to its General Objections, Apple objects to this Interrogatory to the extent it calls for information protected by the attorney-client privilege, work product doctrine or any other applicable privilege or immunity. Apple objects to the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 reserves the right to amend, supplement, and/or

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correct its response to this Interrogatory as additional information becomes available to Apple during the course of its discovery and investigation. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

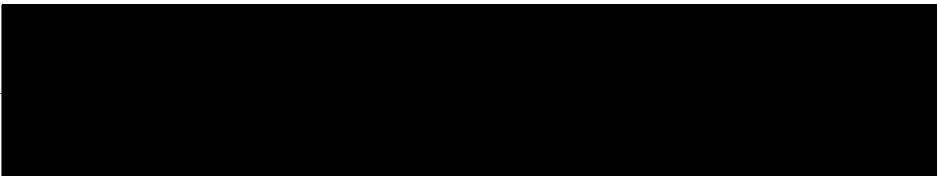
Subject to and without waiving its General and Specific Objections, to the extent the accused Apple products are held in any inventories in the United States, Apple responds as follows:

The primary U.S. inventory locations for Accused Products are Apple's stocking distribution centers at the following locations:



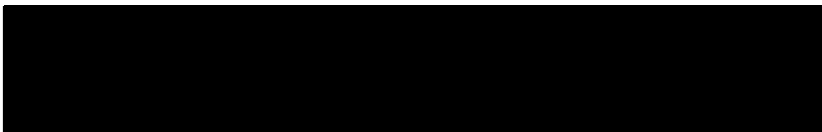
Products at the stocking distribution centers are owned by the manufacturer or by Apple.

The secondary U.S. inventory locations for Accused Products are Apple's rollover distribution centers at the following locations:



Products at the rollover distribution centers are owned by the manufacturer or by Apple.

Apple also has two retail distribution centers in the United States, at the following locations:



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[REDACTED]

Products located at the retail distribution centers are owned by Apple.

Apple's retail division may also have small quantities of accused Apple products at its retail stores, the locations of which are listed at <http://www.apple.com/retail/storelist/>.

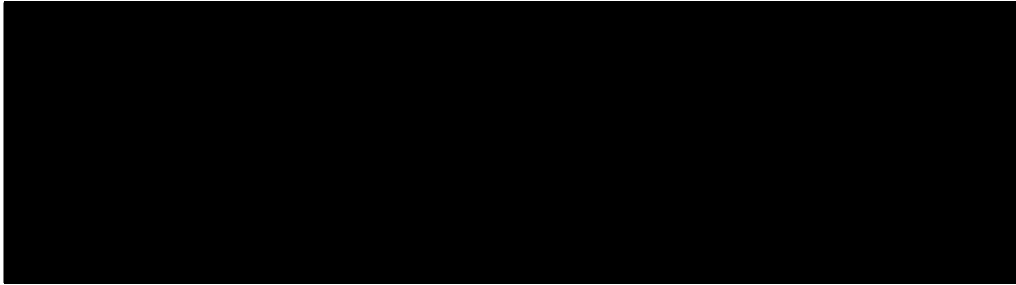
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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, to the extent the accused Apple products are held in any inventories in the United States, Apple further responds as follows:

Pursuant to 19 C.F.R. § 21.29(c), Apple identifies the following documents produced in this investigation from which information that may be responsive to this interrogatory can be obtained: APEL0059823-APEL0059849. Apple's warehouse codes used in these documents are as follows:

[REDACTED]



INTERROGATORY NO. 10:

Separately, for each Accused Product identified in response to Interrogatory No. 1, identify all entities involved in conceiving, designing, developing, engineering, manufacturing, or testing the Accused Product and describe the nature of each entity's involvement.

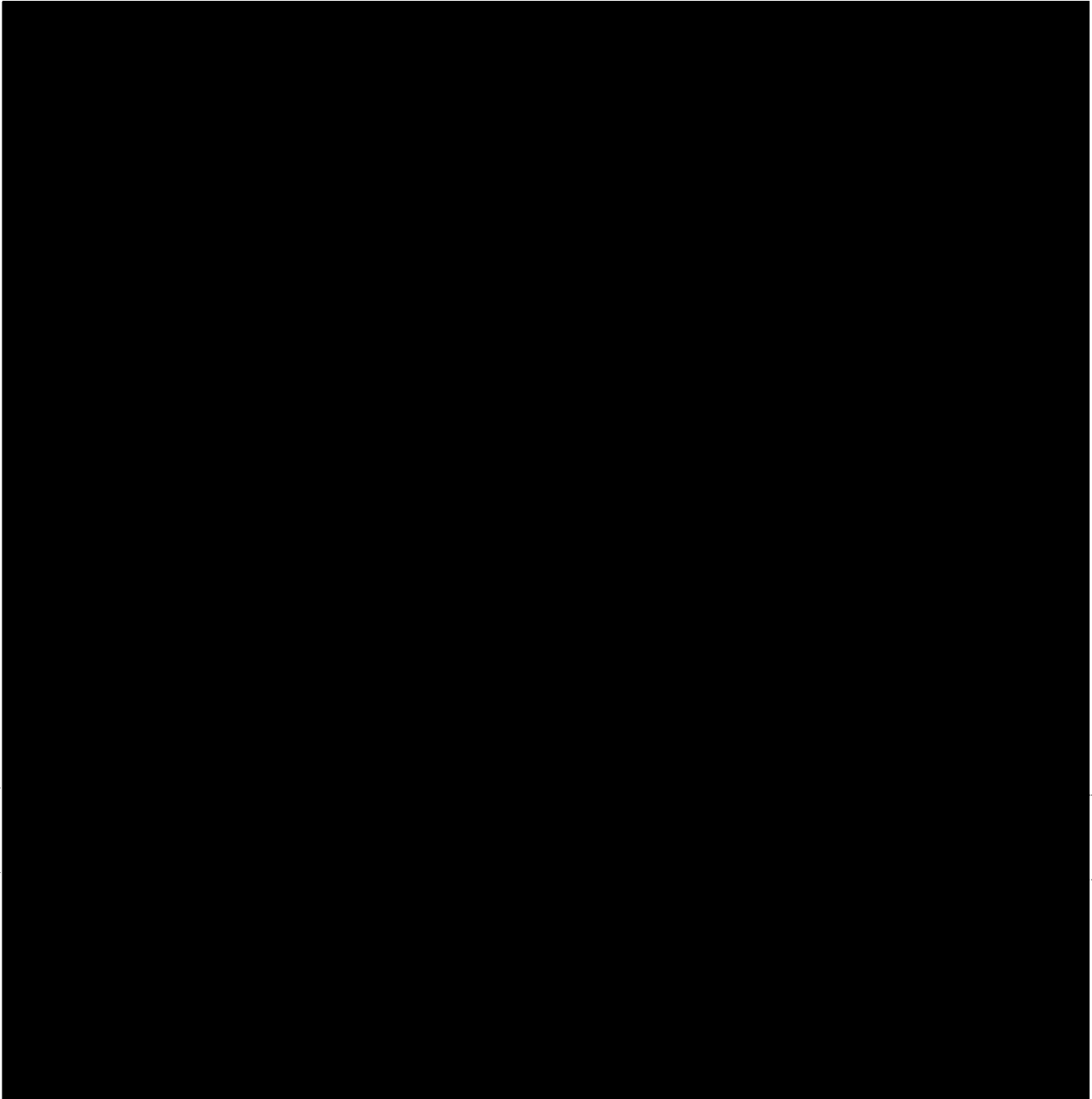
RESPONSE TO INTERROGATORY NO. 10:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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 that Apple is primarily responsible for conceiving, designing, developing,

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engineering, and testing each accused Apple product. The entities that manufacture the accused Apple products are:

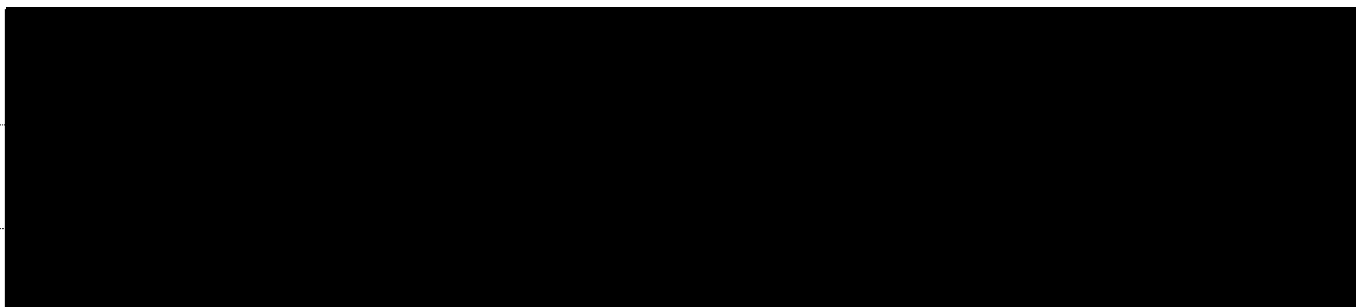


Apple's investigation is ongoing, and Apple will supplement this response as appropriate.

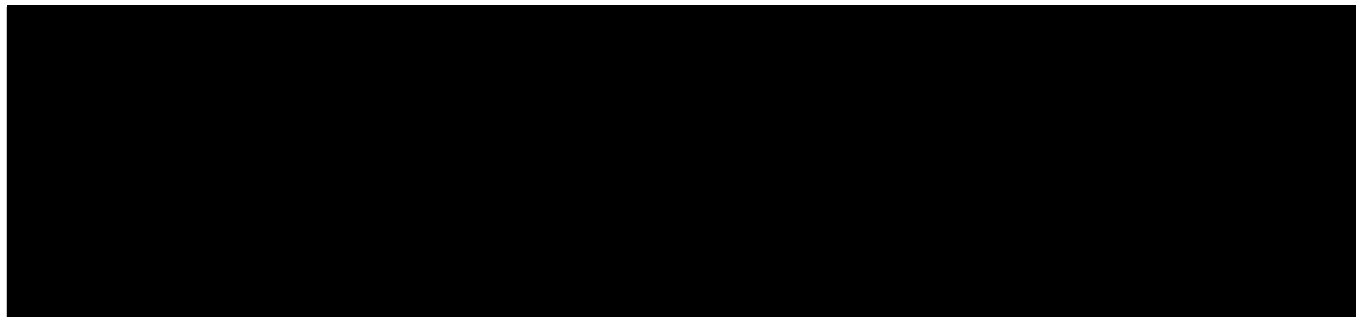
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:

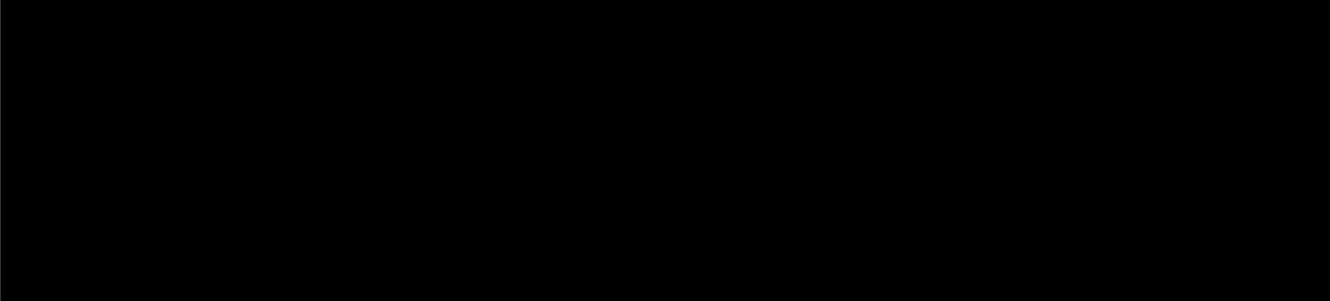
In addition to its General Objections, Apple objects to this Interrogatory to the extent it calls for information protected by the attorney-client privilege, work product doctrine or any other applicable privilege or immunity. Apple objects to the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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 amends its response with respect to the iPhone 3G and iPhone 3GS as follows:



Apple further responds that the entities that manufacture the accused Apple iPhone 4 and Magic Trackpad products are:





Apple's investigation is ongoing, and Apple will supplement this response as appropriate.

INTERROGATORY NO. 12:

Separately, for each Accused Product identified in response to Interrogatory No. 1, identify all documents showing the Accused Product's design, structure, operation and development, including service manuals, user manuals, schematics, technical specifications, functional specifications, refurbishing and repairing instructions, manufacturing diagrams, testing results and analysis reports.

RESPONSE TO INTERROGATORY NO. 12:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery

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of relevant evidence. Apple objects to this Interrogatory as overbroad, unduly burdensome, and vague.

Subject to and without waiving its General and Specific Objections, pursuant to 19 C.F.R. § 21.29(c), Apple identifies the following documents produced in *Elan Microelectronics Corporation v. Apple, Inc.*, Case No.: 09-cv-01531-RS from which the answer to this interrogatory can be obtained: APEL0035701 – APEL0049620; APEL0100152-236; APEL0100544-553; APEL0101187-193; APEL0101198-102447; APEL0103025-28. Upon entry of a suitable Protective Order, Apple will supplement this response to identify Source Code made available for inspection in that litigation.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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 as overbroad, unduly burdensome, and vague.

Subject to and without waiving its General and Specific Objections, pursuant to 19 C.F.R. § 21.29(c), Apple identifies the following documents from which the answer to this interrogatory can be obtained:

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APEL0035701 - APEL0049620 (MacBook, MacBook Pro, and MacBook Air)

APEL0100152-236 (iPhone 3G/3GS)

APEL0100544-553 (iPhone 3G /3GS)

APEL0101187-193 (iPhone 3G /3GS)

APEL0101198-102447 (iPod touch)

APEL0103025-28 (iPhone 3G /3GS);

APEL0106368-0106733 (iPhone3G /3GS)

APEL0106734-0107308 (iPod touch)

APEL0249341-0249520 (Magic Mouse)

APEL0249521-0253953 (MacBook Air)

APEL0261345-0293031 (MacBook)

APEL0294884-0300036 (MacBook Pro)

APEL0300037-0301934 (MacBook)

APEL0301935-0329552 (MacBook Pro)

APEL1269766-1270471 (iPad)

APEL1442393-1444569 (iPhone 4)

APEL1444570-1444860 (Magic Trackpad)

APEL1163009-1164853 (Apple Multi-Touch Wiki)

Apple further responds that it has made source code for the accused

functionality available for inspection pursuant to the terms of the Protective Order for the iPhone3G, iPhone 3GS, iPod Touch, iPad, MacBook, MacBook Pro, MacBook Air, Magic Mouse, iPhone 4, and Magic Trackpad products. The source code folders made available to Elan are labeled with the internal code names for releases of the accused products thereby showing which folders correspond with which release.

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INTERROGATORY NO. 14:

State the time, date, substance and circumstances of any communications between Apple and any other entity concerning Elan or the Asserted Patent. For each communication, identify all entities that participated in the communication, either by providing or receiving information, and all related documents, including any notes, minutes or memoranda concerning the communication.

RESPONSE TO INTERROGATORY NO. 141:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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, pursuant to 19 C.F.R. § 21.29(c), Apple will produce non-privileged documents from which the answer to this interrogatory can be obtained, if any such documents exist and are not duplicative of documents produced in *Elan Microelectronics Corporation v. Apple, Inc.*, Case No.: 09-cv-01531-RS.

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SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. Apple objects to this Interrogatory as overbroad and unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence. Apple understands the term "any other entity" as not including Apple's outside counsel or experts; the Interrogatory would be objectionable on grounds of privilege, overbreadth, and noncompliance with Order No. 6 if it were not so limited. Apple also understands this term as not including Elan itself.

Subject to and without waiving its General and Specific Objections, Apple states that, based on its investigation to date, Apple has not identified any nonprivileged documents relating to communications between Apple and third parties regarding Elan or the Asserted Patent, other than Apple's outside counsel's communications with third party deponents that are known to Elan and Apple's publicly available financial disclosures.

INTERROGATORY NO. 15:

Describe all Apple policies concerning document retention and destruction, including Apple's policies and practices concerning the length of time documents and records have been retained, are to be retained, or are, in fact, retained, policies and practices concerning document retention or document destruction following the entry of Apple into

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litigation or investigation; and Apple's practices concerning how, where and by whom documents are to be possessed, retained, indexed, archived, backed-up, preserved, maintained or destroyed.

RESPONSE TO INTERROGATORY NO. 15:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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, pursuant to 19 C.F.R. § 21.29(c), Apple will produce non-privileged responsive documents sufficient to show Apple's document retention policies related to the relevant functionalities of the accused Apple products to the extent such documents exist in its possession, custody, or control, and are not duplicative of documents produced in *Elan Microelectronics Corporation v. Apple, Inc.*, Case No.: 09-cv-01531-RS.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:

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 the Interrogatory on

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the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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. 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, pursuant to 19 C.F.R. § 21.29(c), Apple identifies the following documents from which the answer to this interrogatory can be obtained: APEL0070607- APEL0070641.

INTERROGATORY NO. 18:

Identify in detail how each Accused Product performs each Accused Functionality.

RESPONSE TO INTERROGATORY NO. 18:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. 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. Apple objects to this interrogatory as premature. Apple further objects that this interrogatory calls for expert testimony.

Subject to and without waiving its General and Specific Objections, pursuant to 19 C.F.R. § 21.29(c), Apple identifies the following documents produced in *Elan*

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Microelectronics Corporation v. Apple, Inc., Case No.: 09-cv-01531-RS from which the answer to this interrogatory can be obtained: APEL0035701 – APEL0049620. Upon entry of a suitable Protective Order, Apple will supplement this response to identify as appropriate, including to identify Source Code made available for inspection in that litigation.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. 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. Apple objects to this interrogatory as premature. Apple further objects that this interrogatory calls for expert testimony.

Subject to and without waiving its General and Specific Objections, pursuant to 19 C.F.R. § 21.29(c), Apple responds that it has made source code for the accused functionality available for inspection pursuant to the terms of the Protective Order for the iPhone3G, iPhone 3GS, iPod Touch, iPad, MacBook, MacBook Pro, MacBook Air, Magic Mouse, iPhone 4, and Magic Trackpad products. The source code folders made available to Elan are labeled with the internal code names for releases of the accused products thereby showing which folders correspond with which release. Apple also refers Elan to Apple's response to Interrogatory No. 12.

INTERROGATORY NO. 19:

Identify the source code used by each Accused Product to perform any aspect of the Accused Functionality.

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RESPONSE TO INTERROGATORY NO. 19:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 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.

Subject to and without waiving its General and Specific Objections, Apple has made source code available for inspection for the Accused Functionality in *Elan Microelectronics Corporation v. Apple, Inc.*, Case No.: 09-cv-01531-RS. Apple will make that source code available for inspection in this Investigation once the parties have agreed upon the procedures to govern inspection of source code and sought modification of Order No. 2 accordingly.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19:

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 the Interrogatory on the grounds that it is compound and contains multiple subparts. Apple objects to the extent this Interrogatory seeks information that is already in Elan's possession or equally available to Elan. 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 reserves the right to amend, supplement, and/or

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correct its response to this Interrogatory as additional information becomes available to Apple during the course of its discovery and investigation.

Subject to and without waiving its General and Specific Objections, Apple responds that it has made source code for the accused functionality available for inspection pursuant to the terms of the Protective Order for the iPhone3G, iPhone 3GS, iPod Touch, iPad, MacBook, MacBook Pro, MacBook Air, Magic Mouse, iPhone 4, and Magic Trackpad products.

Date: November 2, 2010



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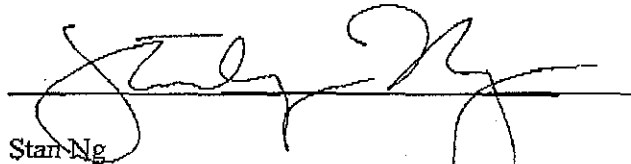
Counsel for Respondent Apple Inc.

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 FIRST SUPPLEMENTAL OBJECTIONS AND RESPONSES TO ELAN MICROELECTRONICS CORPORATION'S FIRST SET OF INTERROGATORIES (NOS. 1-5, 10, 12, 14-15, 18-19)** 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



A handwritten signature in black ink, appearing to read 'Stan Ng', is written over a horizontal line.

Stan Ng

Title: Senior Director, WW Product Marketing

Apple Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on November 2, 2010 as indicated, on the following:

<p><u>Via Hand Delivery (2 copies)</u> 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</p>	<p><u>Via Email and Hand Delivery</u> Kevin Baer, Esq. Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street SW, Room 401-A Washington, D.C. 20436 kevin.baer@usitc.gov</p>
<p><u>Via Email and Hand Delivery</u> Paul F. Brinkman, Esq. Alston & Bird LLP The Atlantic Building 950 F Street, NW Washington, DC 20004 Elan.Apple.Team@alston.com</p>	



Gregory S. Kimmel
Paralegal