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Counterclaim Plaintiff,
APPLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
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16 ELAN MICROELECTRONICS
CORPORATION,
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18 Plaintiff and Counterclaim
Defendant,
19 v.
20 APPLE INC.,
21 Defendant and Counterclaim
22 Plaintiff.

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

STIPULATED REQUEST TO PERMIT
THE SUBMISSION OF APPLE SOURCE
CODE UNDER SEAL AND
[PROPOSED] ORDER

Hon. Richard Seeborg

1 Defendant Apple Inc. (“Apple”) and Plaintiff Elan Microelectronics Corporation
2 (“Elan”), by and through their respective counsel of record, hereby jointly move the Court to
3 permit the filing under seal of Apple source code relevant to Elan’s Motion for Partial Summary
4 Judgment, with special confidentiality protections as contemplated by the protective order in this
5 case.

6 WHEREAS, Elan has filed a motion entitled Elan Microelectronics Corporation’s
7 Notice of Motion and Motion for Partial Summary Judgment of Infringement of U.S. Patent
8 5,825,352, and Apple has opposed. *See* Dkt. Nos. 212, 236;

9 WHEREAS, the Amended Stipulated Protective Order in this case includes special
10 protections for highly-proprietary source code, and provides that “[i]f a party reasonably believes
11 that it needs to submit a portion of Source Code as part of a filing with the Court, the parties shall
12 meet and confer as to how to make such a filing while protecting the confidentiality of the Source
13 Code and such filing will not be made absent agreement from the Producing Party that the
14 confidentiality protections will be adequate.” *See* Dkt. No. 64;

15 WHEREAS, both parties desire to provide the Court with the source code for
16 Apple’s products relevant to Elan’s Motion for Partial Summary Judgment;

17 WHEREAS, Civil Local Rule 79-5(f) provides that “chambers copies of sealed
18 documents will be disposed of in accordance with the assigned Judge’s discretion,” and ordinarily
19 “will be recycled, not shredded, unless special arrangements are made;”

20 WHEREAS, the parties have met and conferred, and respectfully request, subject
21 to the Court’s approval, they will jointly submit one copy of the relevant source code to Judge
22 Seeborg’s Chambers, and to request that such copy be kept in a secure location for the duration of
23 this case, and thereafter be shredded;

24 WHEREAS, the parties have met and conferred, and respectfully request, subject
25 to the Court’s approval, that the courtroom be sealed during the portions of the July 14, 2011
26 hearing regarding Elan’s motion for partial summary judgment when source code or other
27 confidential information regarding Apple’s products is discussed;

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NOW, THEREFORE, subject to the Court's approval, the parties jointly move the Court for an order as follows:

(1) The parties may jointly submit one chambers' copy of the source code relevant to Elan's Motion for Partial Summary Judgment under seal;

(2) Said copy will be kept in a secure location in Judge Seeborg's chambers for the duration of this case;

(3) At or before the conclusion of this case, said copy will be securely shredded and not recycled;

(4) The courtroom may be sealed upon the request of the parties at the hearing regarding Elan's motion for partial summary judgment, when source code or other confidential information regarding Apple's products is discussed.

DATED: June 14, 2011

/s/ Sean P. DeBruine
Sean P. DeBruine

ALSTON & BIRD LLP
Attorneys For Elan Microelectronics Corporation

DATED: June 14, 2011

/s/ Sonal N. Mehta
Sonal N. Mehta

WEIL, GOTSHAL & MANGES LLP
Attorneys for Apple Inc.

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THE PARTIES STIPULATED REQUEST IS HEREBY GRANTED. IT IS ORDERED that:

(1) The parties may jointly submit one chambers' copy of the source code relevant to Elan's Motion for Partial Summary Judgment under seal;

(2) Said copy will be kept in a secure location in Judge Seeborg's chambers for the duration of this case;

(3) At or before the conclusion of this case, said copy will be securely shredded and not recycled;

(4) The courtroom may be sealed upon the request of the parties at the hearing regarding Elan's motion for partial summary judgment, when source code or other confidential information regarding Apple's products is discussed.

SO ORDERED.

DATED: _____

Honorable Richard Seeborg
United States District Court Judge

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FILER'S ATTESTATION

I, Sonal N. Mehta, am the ECF User whose ID and password are being used to file this STIPULATED REQUEST TO PERMIT THE SUBMISSION OF APPLE SOURCE CODE UNDER SEAL AND [PROPOSED] ORDER. In compliance with General Order 45, paragraph X.B. I hereby attest that Sean DeBruine has concurred in this filing.

By: /s/ Sonal N. Mehta
 Sonal N. Mehta