

EXHIBIT 2

1 Yitai Hu (SBN 248085) (yitai.hu@alston.com)
Sean P. DeBruine (SBN 168071) (sean.debruine@alston.com)
2 Elizabeth Rader (SBN 184963) (elizabeth.rader@alston.com)

ALSTON + BIRD LLP
3 Two Palo Alto Square
3000 El Camino Real, Suite 400
4 Palo Alto, California 94306
Telephone: 650-838-2000
5 Facsimile: 650-838-2001

6 T. Hunter Jefferson (admitted *pro hac vice*) (hunter.jefferson@alston.com)

ALSTON + BIRD LLP
7 One Atlantic Center
1201 West Peachtree Street
8 Atlanta, Georgia 30309-3424
Telephone: 404-881-7333
9 Facsimile: 404-253-8863

10 Attorneys for Plaintiff
11 ELAN MICROELECTRONICS CORPORATION

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 ELAN MICROELECTRONICS) Case No. 5:09-cv-01531-RS (PVT)
16 CORPORATION,)
)
17 Plaintiff,) **ELAN MICROELECTRONICS**
) **CORPORATION'S SECOND**
18 v.) **SUPPLEMENTAL OBJECTIONS AND**
) **RESPONSES TO APPLE, INC.'S FIRST**
19 APPLE, INC.,) **SET OF INTERROGATORIES [NOS. 1-17]**
)
20 Defendant.)
)
21)
22)
23)

24 **PROPOUNDING PARTY: APPLE, INC.**

25 **RESPONDING PARTY: ELAN MICROELECTRONICS CORPORATION**

26 **SET NUMBER: ONE**

1 **INTERROGATORY NO. 10:**

2 Separately for each of the Elan Patents-in-Suit, state the date on which Elan contends that
3 Apple's alleged infringement of that patent began and the date on which Elan first became aware of
4 such infringement, and explain in detail why Elan did not commence this action against Apple between
5 the date Elan became so aware and April 2009.

6 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:**

7 Elan incorporates herein by reference each of its foregoing General Objections. Elan objects to
8 this Interrogatory to the extent that it is intended to be treated as one interrogatory, as it contains
9 multiple subparts, and thus will be treated as multiple interrogatories against the maximum permissible.
10 Elan also objects to this Interrogatory as overbroad and unduly burdensome. Elan further objects to
11 this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client
12 privilege, the attorney work product doctrine or any other applicable privilege, immunity, or protection.

13 Subject to and without waiving the foregoing objections, Elan responds that Elan currently
14 understands that Apple's infringement began with the introduction of the PowerBook G4 in February
15 2005 which used a method for sensing the contact of multiple fingers on a touchpad. Elan learned of
16 that infringement shortly before contacting Apple on August 27, 2006 about Apple's infringement.
17 Elan brought this suit after the conclusion of its litigation involving the '352 Patent against Synaptics,
18 Inc. and after the parties' ongoing negotiations failed to conclude with Apple's purchase of a license
19 from Elan. With respect to the '353 Patent, Elan first learned of Apple's infringement shortly before
20 filing this lawsuit against Apple on April, 7, 2009.

21 **INTERROGATORY NO. 11:**

22 Separately for each of the Apple Patents-in-Suit, describe in detail the facts and circumstances
23 relating to Elan's first awareness of the patent, including *inter alia*, the date Elan first became aware of
24 the existence of the patent, the person(s) who first became aware of the patent, the circumstances
25 surrounding Elan's first awareness of the patent, the content of any related communications or
26 documents and any actions taken by you as a result (including documents and persons with
27 knowledge).

28 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

Elan incorporates herein by reference each of its foregoing General Objections. Elan objects to
this Interrogatory to the extent that it is intended to be treated as one interrogatory, as it contains
multiple subparts, and thus will be treated as multiple interrogatories against the maximum permissible.
Elan also objects to this Interrogatory as overbroad and unduly burdensome. Elan further objects to

1 this Interrogatory to the extent it seeks information not relevant to any present claim or defense in this
2 matter and not reasonably calculated to lead to the discovery of admissible evidence. Elan also objects
3 to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client
4 privilege, the attorney work product doctrine or any other applicable privilege, immunity, or protection.

5 Subject to and without waiving the foregoing objections, Elan responds that it currently
6 understands that Nick Lin, a patent engineer in Elan's Legal and IPR department prepared summaries
7 of the '218 and '659 patents on or about September, 24, 2008 and February 26, 2009, respectively.
8 Nick Lin uploaded the '218 patent summary onto Elan's document management system, and internally
9 circulated the '659 patent summary to Chairman Yeh, the legal department and the research and
10 development department. Elan was not aware of Apple's '218 patent or '659 patent before Mr. Lin
11 prepared the respective reports.

12 **INTERROGATORY NO. 12:**

13 Identify (by product name, including all trade names and designations, internal names, and
14 names during development; part number; model; manufacturer; designer; supplier; and dates first sold
15 or offered for sale) all products or designs of all touch-sensitive input devices or touch pads designed,
16 marketed, made, used, sold, offered for sale, imported, exported, licensed, or distributed by or for Elan.

16 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

17 Elan incorporates herein by reference each of its foregoing General Objections. Elan objects to
18 this Interrogatory to the extent that it is intended to be treated as one interrogatory, as it contains
19 multiple subparts, and thus will be treated as multiple interrogatories against the maximum permissible.
20 Elan also objects to this Interrogatory as overbroad and unduly burdensome. Elan also objects to this
21 Interrogatory to the extent it seeks information not relevant to any present claim or defense in this
22 matter and not reasonably calculated to lead to the discovery of admissible evidence. Elan also objects
23 to this Interrogatory to the extent it seeks information protected from disclosure by the attorney-client
24 privilege, the attorney work product doctrine or any other applicable privilege, immunity, or protection.
25 Elan further objects to this Interrogatory as vague and ambiguous with respect to the term "touch-
26 sensitive input devices" as the term has not been defined and its meaning is not clear on its face.
27 Subject to and without waiving the foregoing objections, Elan understands the following products and
28 the products listed in the below table to be touch-sensitive input devices or touchpads:

1 product or "Elan Accused Product" including no marketing, sales, product development, or product
2 support activities. Elan will produce business records pursuant to Fed. R. Civ. P. 33(d) from which
3 Apple can ascertain further information responsive to Interrogatory No. 17.
4
5

6 Dated: June 24, 2010

ALSTON + BIRD LLP

7
8 By: 
9 Sean P. DeBruine

10 Attorneys for Plaintiff
11 ELAN MICROELECTRONICS CORPORATION
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 VERIFICATION

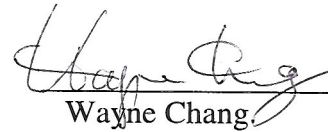
2 I, Wayne Chang, declare that:

3 I have read the foregoing ELAN MICROELECTRONICS CORPORATION'S SECOND
4 SUPPLEMENTAL OBJECTIONS AND RESPONSES TO APPLE, INC.'S FIRST SET OF
5 INTERROGATORIES [NOS. 1-17].

6 To the best of my information, knowledge, and belief formed after a reasonable inquiry, the
7 information contained in these Responses is true and accurate.

8 As a General Counsel, I am duly authorized to sign this Verification on behalf of Elan
9 Microelectronics Corporation.

10 I declare under penalty of perjury under the laws of the United States and Taiwan that the
11 foregoing is true and correct and that this Verification was executed on June 23, 2010, at San
12 Francisco, California.

13
14 
15 Wayne Chang
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6 **CERTIFICATE OF SERVICE**

7 I am employed in the County of Santa Clara, State of California. I am over the age of 18 and not
8 a party to the within action; my business address is Alston & Bird LLP, 3000 El Camino Real, Two Palo
9 Alto Square, Suite 400, Palo Alto, CA 94306.

10 On June 24, 2010, I served the foregoing document(s) described as:

11 **ELAN MICROELECTRONICS CORPORATION'S SECOND SUPPLEMENTAL**
12 **OBJECTIONS AND RESPONSES TO APPLE'S FIRST SET OF INTERROGATORIES**

13 by the indicated means to the persons at the addresses listed:

14 Matthew D. Powers (matthew.powers@weil.com) Via Overnight Courier
15 Edward R. Reines (edward.reines@weil.com) Via Hand Delivery
16 Sonal N. Mehta (sonal.mehta@weil.com) Via Facsimile
17 **WEIL, GOTSHAL & MANGES LLP** Via U.S. Mail
201 Redwood Shores Parkway Via E-mail
18 Redwood Shores, California 94065

19 I am readily familiar with our firm's practice for collection and processing of correspondence via
20 electronic mail and overnight courier. I caused the document(s) to be sent to the respective e-mail
21 address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the
22 transmission, any electronic message or other indication that the transmission was unsuccessful. I
23 declare under penalty of perjury under the laws of the United States that the foregoing is true and
24 correct; that I am employed in the office of a member of the bar of this Court at whose direction the
25 service was made; and that this declaration was executed on June 24, 2010, at Palo Alto, California.

26 
27 _____
28 William H. Morris

#31918054