

# **EXHIBIT 4**

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7 **ALSTON + BIRD LLP**  
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9 Telephone: 404-881-7333  
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11 Attorneys for Plaintiff and Counterdefendant  
ELAN MICROELECTRONICS CORPORATION

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

16 ELAN MICROELECTRONICS ) Case No. C-09-01531 RS  
CORPORATION, )  
17 )  
18 Plaintiff, ) **ELAN MICROELECTRONICS**  
19 v. ) **CORPORATION'S INITIAL**  
20 ) **DISCLOSURES PURSUANT TO FED. R.**  
APPLE, INC., ) **Civ. P. 26(a)(1)**  
21 Defendant. )  
22 )  
APPLE, INC., )  
23 Counterclaimant, )  
24 v. )  
25 ELAN MICROELECTRONICS )  
CORPORATION, )  
26 Counterdefendant. )  
27 )  
28 )

1 Plaintiff and Counterdefendant Elan Microelectronics Corporation (“Elan”) makes these initial  
 2 disclosures pursuant to FED. R. CIV. P. 26(a)(1). Elan makes this disclosure without waiving any  
 3 applicable or potentially applicable privilege or work-product protection and reserves any objections to  
 4 the use of information or materials contained in these initial disclosures. In addition, Elan makes these  
 5 disclosures with regard to the matters alleged in its Complaint, and based on information currently  
 6 known to it. Elan reserves the right to modify, amend, or supplement these disclosures in light of the  
 7 disposition of its pending motion to dismiss certain of Apple’s counterclaims, any amended pleadings  
 8 the Court may permit, and in light of its ongoing investigation and discovery.

9 **I. INDIVIDUALS WHO MAY HAVE DISCOVERABLE INFORMATION**

10 Elan believes the following individuals may have discoverable information on the following  
 11 subjects:

Name	Subjects
13 Lee, Chia-Yi (Roven) 14 Elan Microelectronics Corporation 15 No.12, Innovation 1st Road, 16 Science Based Industrial Park, 17 Hsinchu, Taiwan, R.O.C. 18 Please contact through Alston + 19 Bird LLP	The technology of Elan’s touchpads and firmware coding of Elan’s touchpads
20 Yang, Wei-Wen (Eric) 21 Elan Microelectronics Corporation 22 No.12, Innovation 1st Road, 23 Science Based Industrial Park, 24 Hsinchu, Taiwan, R.O.C. 25 Please contact through Alston + 26 Bird LLP	The technology of Elan’s touchpads and firmware coding of Elan’s touchpads
27 Chung, Hsuan-Lung (Ian) 28 Elan Microelectronics Corporation No.12, Innovation 1st Road, Science Based Industrial Park, Hsinchu, Taiwan, R.O.C. Please contact through Alston + Bird LLP	Marketing, sales, and financial information relating to the accused products of Elan, and information related to U.S. Patent No. 7,274,353
Stephen J. Bisset 1051 Fife Ave., Palo Alto, CA 94301 Please contact through Alston + Bird LLP	Information related to U.S. Patent No. 5,825,352
Bernard Kasser	Information related to U.S. Patent No. 5,825,352

1	Yen-Chang Chiu 10F-1, No.231, Gongyuan Rd., 2 Linkou Township, Taipei County 3 24441, Taiwan, R.O.C. +886-935-578-702	Information related to U.S. Patent No. 7,274,353
4	Ting-Hao Yeh 8F., No.32, Zhuangjing 5th St., 5 Zhubei City, Hsinchu County 30264, Taiwan, R.O.C. +886-937-367-139	Information related to U.S. Patent No. 7,274,353
6	Yung-Lieh Chien 7 No.9, Zhongxing St., Taoyuan City, Taoyuan County 33047, Taiwan, 8 R.O.C. +886-928-496-120	Information related to U.S. Patent No. 7,274,353
9	Shih-Chi Lin 8F., No.1, Ln. 25, Xianzheng 8th 10 St., Zhubei City, Hsinchu County 30295, Taiwan, R.O.C. +886-939-336-380	Information related to U.S. Patent No. 7,274,353
11	The Law Offices of James E. Eakin 855 Oak Grove Avenue, Suite 107, 12 Menlo Park, CA 94025 (650) 326-4350	Prosecution of U.S. Patent No. 5,825,352
13	Townsend and Townsend and Crew 14 LLP Two Embarcadero Center, 8th 15 Floor, San Francisco, CA 94111 (415) 576-0200	Prosecution of U.S. Patent No. 5,825,352
16	Rosenberg, Klein & Lee 3458 Ellicott Center Drive, Suite 101, Ellicott City, MD 21043 17 (410) 465-6678	Prosecution of U.S. Patent No. 7,274,353

18 **II. DOCUMENTS AND TANGIBLE THINGS**

19 Elan has the following categories of documents and tangible things in its possession that may  
20 support its claims or defenses:

- 21 1. Documents relating to the ownership and prosecution of U.S. Patent No. 5,825,352.
- 22 2. Documents relating to the conception, reduction to practice, and prosecution of U.S.  
23 Patent No. 7,274,353.
- 24 3. Documents and things relating to the accused products.
- 25 4. Documents relating to the promotion and sales of Elan's touchpad products.
- 26 5. Documents and things relating to the development of Elan's touchpad products.

27 The documents and things identified are at Elan Microelectronics Corporation, No.12,  
28 Innovation 1st Road, Science Based Industrial Park, Hsinchu, Taiwan, R.O.C. or in the offices of the

1 undersigned counsel at Two Palo Alto Square, 3000 El Camino Real, Suite 400, Palo Alto, CA 94306.  
2 Elan intends to provide these documents, including the prior art references, consistent with the Federal  
3 Rules of Civil Procedure and Patent Local Rules.

4 **III. COMPUTATION OF DAMAGES**

5 The amount of damages which have been incurred by Elan due to the infringing acts of Apple is  
6 not subject to computation at this time because sales of infringing products and other factors which may  
7 be considered for the computation have not yet been subject to discovery. Plaintiff Elan believes it is  
8 entitled to its lost profits or an amount in no event less than a reasonable royalty, trebled, together with  
9 attorney fees and costs.


10 **IV. INSURANCE**

11 Elan is unaware of any insurance agreement under which any insurance company might be liable  
12 for any part of a judgment in this action.

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14 Dated: September 2, 2009

Respectfully submitted,

ALSTON + BIRD LLP

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16  
17 By:  \_\_\_\_\_

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19 Sean P. DeBruine

20 Attorneys for Plaintiff and Counterdefendant  
21 ELAN MICROELECTRONICS CORPORATION  
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Case No. C-09-01531 RS

**CERTIFICATE OF SERVICE**

1 **CERTIFICATE OF SERVICE**

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

5 On September 2, 2009, I served the foregoing document(s) described as:

6 **Elan Microelectronics Corporation's Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)**  
7 by the indicated means to the persons at the addresses listed:

8  
9 Matthew D. Powers (matthew.powers@weil.com)  Via Overnight Courier  
10 Edward R. Reines (edward.reines@weil.com)  Via Hand Delivery  
11 Sonal N. Mehta (sonal.mehta@weil.com)  Via Facsimile  
12 **WEIL, GOTSHAL & MANGES LLP**  Via U.S. Mail  
201 Redwood Shores Parkway  Via E-mail  
13 Redwood Shores, California 94065

14 I am readily familiar with our firm's practice for collection and processing of correspondence via  
15 electronic mail and overnight courier. I caused the document(s) to be sent to the respective e-mail  
16 address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the  
17 transmission, any electronic message or other indication that the transmission was unsuccessful. I  
18 declare under penalty of perjury under the laws of the United States that the foregoing is true and  
19 correct; that I am employed in the office of a member of the bar of this Court at whose direction the  
20 service was made; and that this declaration was executed on September 2, 2009, at Palo Alto, California.

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24 \_\_\_\_\_  
Sissel Browder