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 11 ELAN MICROELECTRONICS  
 CORPORATION

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION  
 16

17 ELAN MICROELECTRONICS  
 18 CORPORATION,  
 19 Plaintiff and Counterdefendant,  
 20 v.  
 21 APPLE, INC.,  
 22 Defendant and Counterplaintiff.

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

**DECLARATION OF JENNIFER LIU IN  
 SUPPORT OF PLAINTIFF ELAN  
 MICROELECTRONICS  
 CORPORATION'S ADMINISTRATIVE  
 MOTION TO FILE UNDER SEAL**

23  
 24 AND RELATED COUNTERCLAIMS  
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 26  
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1 I, Jennifer Liu, declare as follows:

2 1. I am an attorney with the law firm of Alston & Bird LLP, counsel to Plaintiff Elan  
3 Microelectronics Corporation (“Elan”) in this action. I have personal knowledge of the following  
4 facts and, if called to testify, I could and would testify competently to the matters stated herein.

5 2. In accordance with Civil Local Rule 79-5, Elan seeks to file under seal portions of  
6 Elan’s Reply to Apple, Inc.’s (“Apple’s”) Opposition to Elan’s Motion for Partial Summary  
7 Judgment of Infringement of U.S. Patent 5,825,352 (“the 352 patent”) and the Declaration of  
8 Robert Dezmelyk in Support of Elan’s Reply.

9 3. Elan’s Reply is partially redacted. The redacted portions disclose information  
10 quoted or derived from documents that Apple has marked as “Confidential – Attorney Eyes Only”  
11 or “Confidential – Attorneys’ Eyes Only – Source Code” pursuant to the Amended Protective  
12 Order in this matter and confidential communications between Elan and Apple regarding Apple’s  
13 infringement of the 352 patent. In accordance with Civil Local Rule 79-5, only minimum and  
14 necessary redactions regarding Apple’s confidential information and confidential communications  
15 between Elan and Apple are made to protect sealable information.

16 4. The Declaration of Robert Dezmelyk in Support of Elan’s Reply is partially  
17 redacted. The redacted portions disclose information derived from documents that Apple has  
18 marked as “Confidential – Attorney Eyes Only” or “Confidential – Attorneys’ Eyes Only – Source  
19 Code” pursuant to the Amended Protective Order in this matter. In accordance with Civil Local  
20 Rule 79-5, only minimum and necessary redactions regarding Apple’s confidential information are  
21 made to protect sealable information.

22 5. In accordance with Civil Local Rule 79-5, Elan seeks to file under seal Exhibits I-  
23 M to the Liu Declaration in Support of Elan’s Reply.

24 6. Exhibit I to the Liu Declaration in Support of Elan’s Reply is a document that  
25 Apple has marked as “Confidential – Attorney Eyes Only” pursuant to the Amended Protective  
26 Order in this matter. This document contains Apple confidential internal test data. This exhibit  
27 predominately consists of sealable information such that it may be appropriate to seal the entire  
28 document rather than requiring submission of a heavily redacted document that would not

1 substantially further the policy of providing public access to, and understanding of, court  
2 proceedings.

3 7. Exhibit J to the Liu Declaration in Support of Elan’s Reply is a document that  
4 Apple has marked as “Confidential – Attorney Eyes Only” pursuant to the Amended Protective  
5 Order in this matter. This document contains a screenshot of Apple confidential internal test data.  
6 This exhibit predominately consists of sealable information such that it may be appropriate to seal  
7 the entire document rather than requiring submission of a heavily redacted document that would  
8 not substantially further the policy of providing public access to, and understanding of, court  
9 proceedings.

10 8. Exhibit K to the Liu Declaration in Support of Elan’s Reply is a document that  
11 Apple has marked as “Confidential – Attorney Eyes Only” pursuant to the Amended Protective  
12 Order in this matter and consists predominantly of confidential communication between Elan and  
13 Apple regarding Apple’s infringement of the 352 patent. This exhibit predominately consists of  
14 sealable information such that it may be appropriate to seal the entire document rather than  
15 requiring submission of a heavily redacted document that would not substantially further the  
16 policy of providing public access to, and understanding of, court proceedings.

17 9. Exhibit L to the Liu Declaration in Support of Elan’s Reply is a document that  
18 Apple has marked as “Confidential – Attorney Eyes Only” pursuant to the Amended Protective  
19 Order in this matter and consists predominantly of confidential communication between Elan and  
20 Apple regarding Apple’s infringement of the 352 patent. This exhibit predominately consists of  
21 sealable information such that it may be appropriate to seal the entire document rather than  
22 requiring submission of a heavily redacted document that would not substantially further the  
23 policy of providing public access to, and understanding of, court proceedings.

24 10. Exhibit M to the Liu Declaration in Support of Elan’s Reply is a document that  
25 Apple has marked as “Confidential – Attorney Eyes Only” pursuant to the Amended Protective  
26 Order in this matter and consists predominantly of confidential communication between Elan and  
27 Apple regarding Apple’s infringement of the 352 patent. This exhibit predominately consists of  
28 sealable information such that it may be appropriate to seal the entire document rather than

1 requiring submission of a heavily redacted document that would not substantially further the  
2 policy of providing public access to, and understanding of, court proceedings.

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4 I declare under penalty of perjury under the laws of the United States that the foregoing is  
5 true and correct.

6 Executed this 16th day of June, 2011 at Menlo Park, California.

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*/Jennifer Liu/*  
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Jennifer Liu

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