

EXHIBIT N

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 ELAN MICROELECTRONICS
CORPORATION,
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14 Plaintiff and Counterclaim
Defendant,
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16 v.
APPLE INC.,
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18 Defendant and Counterclaim
Plaintiff.

Case No. C-09-01531 RS

APPLE INC.'S DISCLOSURE OF
PROPOSED TERMS AND CLAIM
ELEMENTS FOR CONSTRUCTION

JURY TRIAL DEMANDED

Hon. Richard Seeborg

1 Pursuant to the Court’s October 1, 2009 Case Management Scheduling Order and
2 Patent Local Rule 4-1, Defendant and Counterclaim Plaintiff Apple Inc. (“Apple”) submits the
3 following list of proposed terms and claim elements for construction.

4 Apple’s inclusion of terms in this list does not mean that Apple contends that any
5 of these terms should be given a meaning other than its ordinary meaning, or that Apple believes
6 at this time that the meaning of any of these terms necessarily will be disputed by the parties.
7 Apple reserves the right to seek construction of other terms based on further discovery and its
8 continuing analysis. In addition, Apple reserves the right to propose constructions for claim
9 terms identified by Elan Microelectronics Corp. (“Elan”) that are not included in this disclosure.

10 I.

11 ELAN PATENTS-IN-SUIT

12 A. U.S. Patent No. 5,825,352

13 Several claim limitations of U.S. Patent No. 5,825,352 were construed in Civil
14 Action No. 06-01839 (N.D. Cal.) between Elantech Devices Corporation and Synaptics, Inc.
15 Apple proposes that the Court’s constructions in that case should in general be applied in this case
16 except where there are new issues that were not previously presented to or resolved by the Court.
17 Thus, in addition to the prior constructions, Apple proposes that the following terms may also
18 require further construction:

- 19 1. “scanning the touch sensor” (claims 1, 18)
- 20 2. “identify” (claims 1, 18)
- 21 3. “in response to” (claims 1,18)
- 22 4. “pointing device click function” (claim 2)
- 23 5. “a ‘select’ function” (claim 4)
- 24 6. “control function” (claims 14, 19)
- 25 7. “means for scanning” (claim 18) (*Section 112(6)*)
- 26 8. “means for providing an indication” (claim 18) (*Section 112(6)*)
- 27 9. “means for selecting an appropriate control function” (claim 8) (*Section*
28 *112(6)*)
10. “means for detecting a distance between said first and second maxima”
(claim 24) (*Section 112(6)*)
11. “means for providing a click function in response to the removal and
reappearance of said second maxima within a predetermined period of
time” (claim 26) (*Section 112(6)*)
12. “means for calculating first and second centroids corresponding to said first
and second fingers” (claim 30) (*Section 112(6)*)

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B. U.S. Patent No. 7,274,353

- 1. “capactive touchpad integrated with ... funtions” (claims 1, 7 and 10)
- 2. “a panel for touch inputting” (claims 1, 4, 7 and 10)
- 3. “a first pattern on said panel for representing a mode switch to switch said touchpad between a key mode and a handwriting mode” (claims 1, 4)
- 4. “a plurality of second patterns on said plurality of regions for operation in said key and handwriting modes” (claims 1, 4)
- 5. “mouse mode” (claims 7, 10)

II.

APPLE PATENTS-IN-SUIT

A. U.S. Patent No. 5,764,218

- 1. “detecting gap intervals between subsequent contact intervals” (claims 1, 2, 3, 5)
- 2. “ButtonState variable” (claim 2)
- 3. “distinguishing between a first cursor control operation, a second control operation and a third cursor control operation based on the duration of said contact and gap intervals” (claim 1)

B. U.S. Patent No. 6,933,929

- 1. “touchpad apparatus” / “touch pad system” (claims 10, 15)
- 2. “the top surface [of the track pad] is substantially flush with the outer surface of said housing” (claim 12)
- 3. “the track pad label being substantially permanently attached to at least the track pad housing” (claim 15)

C. U.S. Patent No. 7,495,659

- 1. “removing redundant or non-essential data” (claim 2)
- 2. “Cartesian coordinates” (claims 6, 8)

In addition, for each of the asserted claims, Apple proposes that the parties meet and confer to discuss whether the claim preambles are limiting.

Dated: December 21, 2009

WEIL, GOTSHAL & MANGES LLP

By: /s/ Sonal N. Mehta
Sonal N. Mehta
Attorneys for Defendant and
Counterclaim Plaintiff Apple Inc.

1 **CERTIFICATE OF SERVICE**

2 I declare that I am employed with the law firm of Weil, Gotshal & Manges LLP,
3 whose address is 201 Redwood Shores Parkway, Redwood Shores, California 94065-1175. I am
4 not a party to the within cause, and I am over the age of eighteen years. I further declare that on
5 December 21, 2009, I served a copy of:

6 **APPLE INC.'S DISCLOSURE OF PROPOSED TERMS AND
7 CLAIM ELEMENTS FOR CONSTRUCTION**

8 **BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed
9 envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing in
10 accordance with the firm's ordinary business practices. I am readily familiar with the practice for
11 collection and processing of mail, and know that in the ordinary course of business practice that
12 the document(s) described above will be deposited with the U.S. Postal Service on the same date
13 as sworn to below.

14 **BY ELECTRONIC SERVICE** by electronically mailing a true and
15 correct copy through the electronic mail system to the email address(es) set forth in the service
16 list below.

17 **BY OVERNIGHT DELIVERY** by placing a true copy thereof enclosed
18 in a sealed envelope with overnight delivery fees provided for, addressed as follows, for
19 collection by Federal Express in accordance with ordinary business practices. I am readily
20 familiar with the practice for collection and processing of correspondence for overnight delivery
21 and know that in the ordinary course of business practice the document(s) described above will be
22 deposited by an employee or agent in a box or other facility regularly maintained by Federal
23 Express for collection on the same day that the document(s) are deposited.

24 **BY PERSONAL SERVICE** by placing a true copy thereof enclosed in a
25 sealed envelope to be delivered by messenger to the offices of the addressee(s) (and left with an
26 employee or person in charge of addressee's office), as stated below, during ordinary business
27 hours.

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I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct. Executed on December 21, 2009, at Redwood Shores,
California.

/s/ Sonal N. Mehta
Sonal N. Mehta