

EXHIBIT 10

1 YITAI HU (SBN 248085)
yitai.hu@alston.com
2 SEAN P. DEBRUINE (SBN 168071)
sean.debruine@alston.com
3 ELIZABETH H. RADER (SBN 184963)
elizabeth.rader@alston.com
4 JANE HAN BU (SBN 240081)
jane.bu@alston.com
5 JENNIFER LIU (SBN 268990)
celine.liu@alston.com
6 PALANI P. RATHINASAMY (SBN 269852)
palani.rathinasamy@alston.com
7 **ALSTON & BIRD LLP**
275 Middlefield Road, Suite 150
8 Menlo Park, CA 94025-4008
Telephone: 650-838-2000
9 Facsimile: 650-838-2001

10 Attorneys for Plaintiff and Counterdefendant
ELAN MICROELECTRONICS
11 CORPORATION

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

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

22 AND RELATED COUNTERCLAIMS
23
24
25
26
27
28

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

**DECLARATION OF WAYNE CHANG IN
SUPPORT OF ELAN
MICROELECTRONICS
CORPORATION'S OPPOSITION TO
APPLE, INC.'S MOTION TO COMPEL**

1 I, Wayne Chang, declare as follows:

2 **I. Elan IPR and Legal Department**

3 1. I am the Director of IPR and Legal Department for Elan Microelectronics
4 Corporation (“Elan”). I have personal knowledge of the following facts and if called to testify I
5 could and would testify competently to the matters stated herein.

6 2. Elan’s IPR and Legal Department handles all of Elan’s legal matters related to IP,
7 such as filing and maintaining patent and trademark applications; overseeing the purchase, transfer
8 and licensing of Elan’s IP portfolios, and overseeing contracts and litigation relating to IP.

9 3. I have a B.S. degree in electronics engineering, and I have formal legal training
10 from the National Chiao Tung University (“NCTU”), Institute of Technology Law.

11 4. I have been the acting general counsel and legal director of Elan since I joined the
12 firm in 1994, and during my tenure at Elan, I oversee all IP related legal matters that Elan has been
13 involved in, including litigation and licensing matters.

14 5. I have been actively participating in all IP legal matters of Elan and I am
15 considered by my subordinates, the employees of Elan and Elan’s outside counsel, for all purposes,
16 to be the general counsel of Elan.

17 6. Currently I supervise seven employees. Of these employees, one has a LL.B.
18 degree, three have a LL.M. degree (one from the Southern Methodist University), two are patent
19 engineers (similar to patent agents) and one legal assistant.

20 7. Mr. Nick Lin is the associate manager of Elan’s IPR and Legal Department,
21 dedicated in handling IP related matters. Mr. Lin has a B.S. in mechanical engineering and has a
22 LL.M. degree. In addition to being a patent engineer for Elan, much of Mr. Lin’s patent
23 evaluation work or analysis is done in support of various Elan U.S. patent and IP litigation and
24 licensing matters.

25 8. I also act as the conduit between Elan and Elan’s outside counsel for IP related
26 matters. As Elan relies primarily on its outside counsel for most of the U.S. legal matters, many of
27 the tasks I assigned to my subordinates or employees of Elan are under the request and direction of
28 Elan’s outside counsel. Communications between Elan’s employees and I, and between Elan’s

1 counsel and I, for purposes of seeking legal advice, are intended and expected to be confidential.

2 **II. Elan's Relevant Litigations**

3 9. Elan started its license negotiation with its competitor Synaptics, Inc. ("Synaptics"),
4 one of the world's largest suppliers of capacitive touchpad products, around 2003 to 2004. During
5 the course of the negotiations, both parties threatened the other side with patent infringement
6 claims.

7 10. The negotiations led Elan to file suit against Synaptics on March 10, 2006, in the
8 district court for the Northern District of California. Synaptics countersued Elan, and filed a
9 separate suit against Elan, alleging Elan infringed five of its patents. After several favorable
10 rulings by the court in the case filed by Elan, the lawsuits were settled in October 2008. In late
11 2008, Elan licensed U.S. Patent No. 5,825,352 ("the 352 patent") to Synaptics.

12 11. From 2005 to 2008, members of Elan's IPR and Legal Department, including
13 myself, were actively engaged in pre-suit evaluations, including interfacing with Elan's outside
14 counsel, regarding negotiations with other potential licensees of the 352 patent.

15 12. In addition to the Synaptics litigation, Elan has been attempting to license the 352
16 patent to Apple since at least August, 2006. Members of the Elan IPR and Legal Department,
17 including myself, have been actively supporting Elan's efforts.

18 **III. Common Legal Interest With Elan Customers**

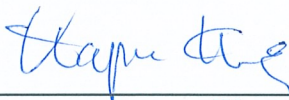
19 13. Elan is a component supplier to many downstream electronics makers in the world.
20 Therefore, once Elan is sued for patent infringement, Elan's customers faced similar risks for the
21 same infringement claims. As an example, in 2006, Synaptics sued Prostar and Averatec, two of
22 Elan's customers, for the infringement of Synaptics patents for selling and using products
23 incorporating the allegedly infringing Elan devices.

24 14. [REDACTED] s
25 [REDACTED] e
26 [REDACTED] r
27 [REDACTED],
28 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

15. [REDACTED]s
[REDACTED]l
[REDACTED]e
[REDACTED]l
[REDACTED]h
[REDACTED]n
[REDACTED]l
[REDACTED],

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 14th day of June, 2011, in Hsinchu, Taiwan.



Wayne Chang

LEGAL02/32684516v2