

1 MATTHEW D. POWERS (Bar No. 104795)  
 E-Mail: matthew.powers@weil.com  
 2 JARED BOBROW (Bar No. 133712)  
 E-Mail: jared.bobrow@weil.com  
 3 SONAL N. MEHTA (Bar No. 222086)  
 E-Mail: sonal.mehta@weil.com  
 4 DEREK C. WALTER (Bar No. 246322)  
 E-Mail: derek.walter@weil.com  
 5 NATHAN GREENBLATT (Bar No. 262279)  
 E-Mail: nathan.greenblatt@weil.com  
 6 WEIL, GOTSHAL & MANGES LLP  
 Silicon Valley Office  
 7 201 Redwood Shores Parkway  
 Redwood Shores, CA 94065  
 8 Telephone: (650) 802-3000  
 Facsimile: (650) 802-3100  
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10 Attorneys for Defendant and Counterclaim Plaintiff  
 APPLE INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

14 ELAN MICROELECTRONICS  
 15 CORPORATION,  
 16 Plaintiff and Counterclaim  
 Defendant,  
 17 v.  
 18 APPLE INC.,  
 19 Defendant and Counterclaim  
 20 Plaintiff.

Case No. C-09-01532 RS (PSG)

**DECLARATION OF DEREK C. WALTER IN SUPPORT OF APPLE INC.'S REPLY TO ELAN'S OPPOSITION TO MOTION TO COMPEL (1) DISCOVERY RELATING TO ELAN'S U.S. SALES; (2) DOCUMENTS IMPROPERLY WITHHELD ON THE BASIS OF PRIVILEGE; AND (3) INVENTOR DEPOSITIONS**

Date: July 5, 2011  
 Time: 10:00 am  
 Judge: Hon. Paul Singh Grewal  
 Ctrm: 5, 4<sup>th</sup> Floor

1 I, Derek C. Walter, declare:

2 I am an attorney with the law firm of Weil, Gotshal & Manges LLP, counsel of  
3 record for Defendant and Counterclaimant Apple Inc. (“Apple”) in the above-captioned matter. I  
4 submit this declaration based on personal knowledge and following a reasonable investigation. If  
5 called upon as a witness, I could competently testify to the truth of each statement herein.

6 1. Attached as **Exhibit A** is a true and correct copy of *AT&T Corp. v.*  
7 *Microsoft Corp.*, No. 02-0164 MHP (JL), 2003 U.S. Dist. LEXIS 8710 (N.D. Cal. Apr. 18, 2003).

8 2. Attached as **Exhibit B** is a true and correct copy of a presentation entitled  
9 “Elantech Proposal,” and bearing production numbers ELN550000-ELN550027. (**Filed under**  
10 **seal.**)

11 3. Attached as **Exhibit C** is a true and correct copy of *Hynix Semiconductor*  
12 *Inc. v. Rambus Inc.*, No. CV-00-20905 RMW, 2008 U.S. Dist. LEXIS 11764 (N.D. Cal. Feb. 2,  
13 2008).

14 4. Attached as **Exhibit D** is a true and correct copy of *Louis Vuitton Malletier*  
15 *v. Dooney & Bourke, Inc.*, No. 04-5316, 2006 U.S. Dist. LEXIS 87096 (S.D.N.Y. Nov. 29, 2006).

16 5. Attached as **Exhibit E** is a true and correct copy of *Honeywell, Inc. v.*  
17 *Minolta Camera Co.*, No. 87-4847, 1990 U.S. Dist. LEXIS 5954 (D.N.J. May 15, 1990).

18 6. Attached as **Exhibit F** is a true and correct copy of *AIA Holdings, S.A., v.*  
19 *Lehman Bros., Inc.*, No. 97 Civ. 4978 (LMM) (HB), 2002 U.S. Dist. LEXIS 20107 (S.D.N.Y.  
20 Oct. 18, 2002).

21 7. Attached as **Exhibit G** is a true and correct copy of *Oak Industries v.*  
22 *Zenith Industries*, No. 86 C 4302, 1988 U.S. Dist. LEXIS 7985 (N.D. Ill. July 25, 1988).

23 8. Attached as **Exhibit H** is a true and correct copy of *In re Juniper Networks,*  
24 *Inc. Sec. Litig.*, 2009 U.S. Dist. LEXIS 118859 (N.D. Cal. Dec. 9, 2009).

25 9. Attached as **Exhibit I** is a true and correct copy of *Britesmile, Inc. v.*  
26 *Discus Dental, Inc.*, No. 02-3220 JSW (JL), 2004 U.S. Dist. LEXIS 20023 (N.D. Cal. Aug. 10,  
27 2004).

28 10. Attached as **Exhibit J** is a true and correct copy of *Pulse Eng'g, Inc. v.*

1 *Mascon, Inc.*, No. 08cv0595, 2009 U.S. Dist. LEXIS 92971 (S.D. Cal. Oct. 1, 2009).

2 11. Attached as **Exhibit K** is a true and correct copy of *Depomed, Inc. v. Ivax*  
3 *Corp.*, No. C-06-0100 CRB (JCS), 2007 U.S. Dist. LEXIS 97835 (N.D. Cal. June 19, 2007).

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

6 Executed on June 21, 2011, at Redwood Shores, California.

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*/s/ Derek C. Walter*  
Derek C. Walter

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