

EXHIBIT 2

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before the Honorable Paul J. Luckern
Chief Administrative Law Judge**

In the Matter of:

**CERTAIN ELECTRONIC DEVICES
WITH MULTI-TOUCH ENABLED
TOUCHPADS AND TOUCHSCREENS.**

Inv. No. 337-TA-714

**RESPONDENT APPLE INC.'S FIRST NOTICE OF DEPOSITION
OF COMPLAINANT ELAN MICROELECTRONICS CORPORATION**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

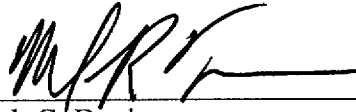
PLEASE TAKE NOTICE that Respondent Apple Inc., by and through its counsel of record, will take the deposition upon oral examination of Complainant Elan Microelectronics Corporation. The deposition will commence at 9:30 A.M. on November 8, 2010, at the offices of Weil, Gotshal & Manges LLP, 1300 Eye Street, N.W., Suite 900, Washington, D.C. 20005, or at such other location and date(s) mutually agreed to by the parties or set by the Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to 19 C.F.R. § 210.28, Elan Microelectronics Corporation is requested to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf with respect to each of the topics listed in Attachment A (schedule of deposition topics).

The deposition will be taken before a notary public or other person authorized to administer oaths under law, and will continue day to day until completed. The deposition will be recorded by stenographic means and may also be videotaped.

Dated: October 7, 2010

Respectfully submitted,



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Counsel for Respondent Apple Inc.

ATTACHMENT A

DEFINITIONS AND INSTRUCTIONS

The following definitions apply to this Notice of Deposition:

- a. **“Apple”** means Respondent Apple Inc.
- b. **“Elan,” “you,”** and **“your”** means Complainant Elan Microelectronics Corporation, its predecessors and successors, past and present parents, subsidiaries, divisions, affiliates, and other organizational or operating units of any of the foregoing, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing.
- c. **“Respondent”** means any and all Respondents named or to be named in the future by Elan in this Investigation, including without limitation Apple.
- d. **“Investigation”** shall mean the above-captioned proceeding at the United States International Trade Commission, entitled Certain Electronic Devices with Multi-Touch Enabled Touchpads and Touchscreens, Investigation No. 337-TA-714.
- e. **“The Staff”** means the Commission Investigative Attorney designated to engage in investigatory activities in this Investigation or a related proceeding under 19 C.F.R. § 210 and the Commission Rules.
- f. **“The ‘352 Patent”** means U.S. Patent No. No. 5,825,352.
- g. **“Communication”** means any form of oral or written interchange, whether in person, by telephone, by facsimile, by telex, by electronic email, or by any other medium.
- h. **“Document”** shall be interpreted to the full extent permitted by the Commission’s Rules of Practice and Procedures and the Federal Rules of Civil Procedure and includes, without limitation, e-mail, files stored on electronic media, copies of letters, notes and records of telephone conversations, intra-corporate communications, minutes, bulletins, specifications,

instructions, advertisements, literature, patents, patent applications, specification sheets and diagrams, work assignments, reports, memoranda, memoranda of conversations, notes, notebooks, drafts, data sheets, work sheets, contracts and agreements, memoranda of agreements, assignments, licenses, sublicenses, opinions and reports of experts and consultants, books of account, orders, invoices, statements, bills, checks and vouchers, brochures, photographs, drawings, charts, catalogs, pamphlets, magazines, copies of magazines, decals, world-wide web and/or internet postings, trade letters, notices and announcements, and press releases, and all other printed, written, recorded, taped, electronic, graphic, computerized printout or other tangible materials of whatever kind known to, or in the possession, custody, or control of Elan. A draft or nonidentical copy is a separate document within the meaning of this term.

- i. The words “**any**,” “**all**,” and “**each**” shall mean any, all, each, and every.
- j. The phrases “**relates to**,” “**relating to**,” and “**related to**” shall mean in whole or in part constituting, containing, concerning, embodying, reflecting, describing, analyzing, identifying, stating, referring to, dealing with, or in any way pertaining to.
- k. “**Synaptics**” means Synaptics, Inc., its predecessors and successors, past and present parents, subsidiaries, divisions, affiliates, and other organizational or operating units of any of the foregoing, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing.
- l. “**Prostar**” means Prostar Computer, Inc., its predecessors and successors, past and present parents, subsidiaries, divisions, affiliates, and other organizational or operating units of any of the foregoing, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing.

m. “**Averatec**” means Averatec, Inc., its predecessors and successors, past and present parents, subsidiaries, divisions, affiliates, and other organizational or operating units of any of the foregoing, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing.

n. “**Pixcir**” means Pixcir Microelectronics Co., its predecessors and successors, past and present parents, subsidiaries, divisions, affiliates, and other organizational or operating units of any of the foregoing, and all past and present directors, officers, employees, agents, and representatives (including consultants and attorneys) of any of the foregoing.

TOPICS FOR TESTIMONY

1. Elan’s licensing of, or attempts to license, the ’352 Patent, and expenses associated therewith.

2. Elan’s policies, procedures and practices relating to patent licensing and licensing of the ’352 Patent, and other patents in its portfolio.

3. Any royalties paid to Elan relating to the ’352 Patent and the parties that paid those royalties.

4. Any negotiations related to licenses or potential licenses encompassing the ’352 Patent.

5. The terms of any licenses or draft licenses encompassing the ’352 Patent.

6. The entities with whom Elan has discussed or negotiated a license or settlement agreement including or otherwise relating to the ’352 Patent but which have not entered into a license or settlement agreement, or have only entered into a license or settlement agreement of narrower scope than proposed by Elan, and the information of which Elan is aware relating to

why those entities have not entered into license or settlement agreements of the full scope proposed by Elan.

7. Elan's communications with any entity relating to asserting or enforcing the '352 Patent or other patents in its portfolio, including cease and desist letters and claim charts.

8. The settlement and license agreements between Elan and Synaptics, Elan and Averatec, and Elan and Prostar, the history of those agreements before and after their execution, and any discussions or efforts to renegotiate those agreements that have occurred or have been proposed or that Elan anticipates.

9. All facts and circumstances related to any licenses and licensing negotiations (including, but not limited to, evaluating, offering, requesting, pursuing, and executing licenses) including or otherwise concerning the '352 Patent, including, but not limited to, the identity of each person involved in or with knowledge of any license or licensing negotiations, the facts and circumstances of any license or licensing negotiations, Communications made relating to licenses or licensing negotiations (including Communications relating to the scope, infringement, validity, or enforceability of, or prior art to, the '352 Patent, as well as any royalty reports), the outcome of any licensing negotiations, the terms of any license agreements resulting from any licensing negotiations (including the name and location of the licensee and the amount of royalties or other type of compensation paid), products licensed, dates and volumes of sales of licensed products, the revenue, gross margin, net profit, or loss attributable to any licenses, all facts related to any action Elan has used to enforce any license, all facts related to Elan's investments to exploit the '352 Patent through licensing, and Documents relating to any of the foregoing.

10. Elan's litigation expenses and corresponding attorney and law firm billing records for any litigation encompassing the '352 Patent; the portions of those expenses attributable to efforts to license the '352 Patent, including (with specificity) the amount spent on license drafting and execution; and the identity of the person(s) employed by Elan responsible for reviewing the aforementioned billing records.

11. The expenditures referenced in Confidential Exhibit 3 to Elan's Complaint.

12. The "substantial investment" referenced in paragraph 58 of Elan's complaint.

13. The involvement of Y.H. Yeh, Wayne Chang, and other Elan employees and officers in any Elan licensing and/or litigation efforts Elan believes are related to the '352 Patent (including the Synaptics litigation, Pixcir litigation, and the district court litigation against Apple).

14. The involvement of Yitai Hu, Sean DeBruine, and other outside counsel for Elan in any Elan licensing and/or litigation efforts Elan believes are related to the '352 Patent (including the Synaptics litigation, Pixcir litigation, and the district court litigation against Apple).

15. The fee arrangements with outside counsel for Elan's litigations and licensing related to the '352 Patent and any related payments made to outside counsel.

16. The fee arrangements with outside counsel for Elan's patent litigations that involve patents other than the '352 Patent.

17. Elan's knowledge of the structure, function, and operation of Synaptics' "TouchPad" and "ClearPad" products, as well as any other Synaptics products Elan contends or may contend practice the '352 Patent.

18. Elan's knowledge of Synaptics' alleged investments in plant and equipment in the United States, employment of labor and capital in the United States, and/or engineering, research, and development related to articles Elan believes are protected by the '352 Patent, including the timing of any such activities.

19. Elan's knowledge of when Synaptics' products referenced in Topic No. 17 above were, are, or will be commercially available in the United States, and the models and quantities of those products commercially available in the United States and their prices.

20. The identities of all parties with whom Elan claims to have had a common legal interest with respect to entries 1-37 of Elan's September 1, 2010 Privilege Log (attached as Exhibit A) and/or the September 17, 2010 letter from Jane Bu to Nathan Greenblatt (attached as Exhibit B), and the nature of that asserted common legal interest.

21. The identities of all customers for Elan touchpads or touchscreens and for any products Elan believes practice the '352 Patent under license from Elan.

22. Any information relating to use of Elan touchpads or touchscreens in any products bearing Apple trademarks (either genuine or imitation).

23. The identities of persons knowledgeable about the above topics.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on October 7, 2010 as indicated, on the following:

<p><u>Via Hand Delivery (2 copies)</u> The Honorable Paul J. Luckern Office of the Administrative Law Judge U.S. International Trade Commission 500 E Street SW, Room 317-H Washington, D.C. 20436</p>	<p><u>Via Email and Hand Delivery</u> Kevin Baer, Esq. Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street SW, Room 401-A Washington, D.C. 20436 kevin.baer@usitc.gov</p>
<p><u>Via Email and Hand Delivery</u> Paul F. Brinkman, Esq. Alston & Bird LLP The Atlantic Building 950 F Street, NW Washington, DC 20004 Elan.Apple.Team@alston.com</p>	



Alvaro R. Parrado
Paralegal