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BY E-FILING

The Honorable Paul Singh Grewal
U.S. District Court for the Northern District of California
280 South 1st Street,
Courtroom 5, 4th Floor
San Jose, CA 95113

Re: *Elan Microelectronics Corp. v Apple, Inc.*, Case No. 09-cv-01531 RS (PSG)

Dear Judge Grewal:

I write in response to Apple's request made during the July 5, 2011 hearing for the Court to conduct an *in camera* review of certain unidentified entries on Elan's revised privilege logs. As Apple's counsel Mr. Bobrow explained, Elan served a set of revised privilege logs on July 1, 2011. For the Court's convenience, attached Supplemental Exhibits A-C are the revised logs served on July 1, 2011 and Supplemental Exhibit D is a communication from me to Ms. Sonal Mehta, explaining the revisions Elan made relating to the privilege logs. Apple submitted the original logs as exhibits to its motion, and they can be found at Apple motion to compel Exhs. 23, 25 and 26.

When Apple first raised the issue with respect to documents authored by members of Elan's in-house legal/IPR department, Elan agreed to re-review the challenged privilege logs entries (Apple Motion Exh 36). Apple, however, filed its motion just a few days after raising the issue, before Elan was able to complete its review.

Due to the volume of documents, and the fact that more than half are in Chinese, Elan was not able to complete its review and revisions to the log until July 1. As a result of this review, Elan decided to remove a number of entries from the log and to produce those documents—we are in the process of preparing the documents for production this week (Supp. Exh. D). For the remaining entries relating to documents authored by Elan's in-house legal department, Elan amended the description of those log entries with additional specificity to more clearly reflect the basis for its privilege assertions, as requested by Apple (Apple Motion Exh 36; *see, e.g.*, Supp. Exhs. D and B, entries 40 and 45).

The remaining entries on the revised privilege logs properly establish that the documents identified are privileged communications or work product. It is Elan's

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position that these revisions effectively resolve any issue relating to Elan's in-house legal department entries, and an *in camera* review as urged by Apple is unnecessary.

For all these reasons, and to avoid consuming further judicial resources and both parties' time and expenses, Elan respectfully requests that the Court deny Apple's request to conduct *in camera* review of any of the Elan's in-house legal department internal documents reflected on Elan's revised privilege logs and consider this aspect of the privilege log issue resolved.

Respectfully submitted,

Alston + Bird LLP



Jane Bu

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