

EXHIBIT A

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11 Plaintiff Apple Inc.

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

16 ELAN MICROELECTRONICS
CORPORATION,

17 Plaintiff and Counterclaim
18 Defendant,

19 v.

20 APPLE INC.,

21 Defendant and Counterclaim
22 Plaintiff.

Case No. C-09-01531 RS (PVT)

APPLE INC.'S OBJECTIONS AND
RESPONSES TO ELAN
MICROELECTRONICS
CORPORATION'S THIRD SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS TO
DEFENDANT APPLE INC. [NOS. 73-99]

Hon. Richard Seeborg

Demand for Jury Trial

23
24 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant
25 and Counterclaim Plaintiff Apple Inc. ("Apple") hereby objects and responds to Plaintiff and
26 Counterclaim Defendant Elan Microelectronics Corporation's ("Elan") Third Set of Requests For
27 Production of Documents and Things To Defendant Apple Inc. (Nos. 73-99) ("Requests for
28 Production"), as follows:

1 Subject to and without waiving its objections and following a reasonable search,
2 Apple will produce relevant, non-privileged documents responsive to the above request to the
3 extent such documents exists within its possession, custody, or control and have not already been
4 produced.

5 **REQUEST FOR PRODUCTION NO. 82:**

6 All documents reflecting the number of units purchased, percentage purchased of
7 total Apps downloaded or otherwise obtained and usage rates of Apple Apps that require the use
8 of multiple fingers and/or the Multi-Touch technology.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 82:**

10 In addition to its General Objections, Apple objects to this Request to the extent it
11 calls for information protected by the attorney-client privilege, work product doctrine or any other
12 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
13 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
14 information equally accessible to Elan. Apple objects that this Request is not reasonably
15 calculated to lead to the discovery of admissible evidence.

16 **REQUEST FOR PRODUCTION NO. 83:**

17 All documents and things relating to the costs, revenues, and profits, on monthly
18 and annual basis, since January 1, 2003, relating to Apps that require the use of multiple fingers
19 and/or the Multi-Touch technology.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 83:**

21 In addition to its General Objections, Apple objects to this Request to the extent it
22 calls for information protected by the attorney-client privilege, work product doctrine or any other
23 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
24 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
25 information equally accessible to Elan. Apple objects that this Request is not reasonably
26 calculated to lead to the discovery of admissible evidence.

27 **REQUEST FOR PRODUCTION NO. 84:**

28 All documents relating to the marketing, post-sale and pre-sale market research,

1 analysis and study of Apple Apps that require the use of multiple fingers and/or the Multi-Touch
2 technology.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 84:**

4 In addition to its General Objections, Apple objects to this Request to the extent it
5 calls for information protected by the attorney-client privilege, work product doctrine or any other
6 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
7 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
8 information equally accessible to Elan. Apple objects that this Request is not reasonably
9 calculated to lead to the discovery of admissible evidence.

10 **REQUEST FOR PRODUCTION NO. 85:**

11 All documents and things evidencing the market demand, including demand from
12 individual consumers, corporate entities and software or program developers, for Apps for the
13 Accused Products that require the use of multiple fingers and/or the Multi-Touch technology.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 85:**

15 In addition to its General Objections, Apple objects to this Request to the extent it
16 calls for information protected by the attorney-client privilege, work product doctrine or any other
17 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
18 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
19 information equally accessible to Elan. Apple objects that this Request is not reasonably
20 calculated to lead to the discovery of admissible evidence.

21 **REQUEST FOR PRODUCTION NO. 86:**

22 All Licenses entered into by Apple relating to the Accused Instrumentality and/or
23 the Multi-Touch technology.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 86:**

25 In addition to its General Objections, Apple objects to this Request to the extent it
26 calls for information protected by the attorney-client privilege, work product doctrine or any other
27 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
28 burdensome. Apple objects to this Request as not limited in time.

1 extent such documents exist in its possession, custody, or control and have not already been
2 produced.

3 **REQUEST FOR PRODUCTION NO. 99:**

4 All U.S. Patents that you claim is practiced in the Accused Products, and if any,
5 royalties or other amounts Apple has paid or is paying for the use of each patent.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 99:**

7 In addition to its General Objections, Apple objects to this Request to the extent it
8 calls for information protected by the attorney-client privilege, work product doctrine or any other
9 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
10 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
11 information equally accessible to Elan. Apple objects to this Request as compound, vague and
12 duplicative of Request No. 88 with respect to “and if any, royalties or other amounts Apple has
13 paid or is paying for the use of each patent.”

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15 Dated: May 12, 2011

WEIL, GOTSHAL & MANGES LLP

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By: /s/ Nathan Greenblatt
Nathan Greenblatt

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*Attorneys for Defendant and
Counterclaim Plaintiff Apple Inc.*

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