

EXHIBIT E

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Apple Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELAN MICROELECTRONICS
CORPORATION,

Plaintiff and Counterclaim
Defendant,

v.

APPLE INC.,

Defendant and Counterclaim
Plaintiff.

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

**APPLE INC.'S OBJECTIONS AND
RESPONSES TO ELAN
MICROELECTRONICS
CORPORATION'S NOTICE OF
DEPOSITION PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 30(B)(6) TO
DEFENDANT APPLE INC.**

Defendant and Counterclaim Plaintiff Apple Inc. ("Apple") hereby objects and responds to Elan Microelectronics Corporation's ("Elan") Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6) to Defendant Apple Inc. (the "Notice").

1 **TOPIC NO. 17:**

2 Apple Apps that require or include features that that utilize the use of
3 multiple fingers, the Multi-Touch technology, or the Accused Instrumentality.

4 **RESPONSE TO TOPIC NO. 17:**

5 In addition to its General Objections, Apple objects to this topic to the extent it
6 seeks information protected by the attorney-client privilege or work product doctrine, or which is
7 otherwise immune from discovery. Apple objects to each of the topics as unduly burdensome and
8 not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for
9 information outside of the accused functionalities as identified in Elan's infringement
10 contentions. Apple further objects to this topic to the extent the burden or expense of the
11 proposed discovery outweighs its likely benefit. Apple also objects to this topic to the extent that
12 it is duplicative of other discovery requests and/or is obtainable from some other source or form
13 of discovery that is more convenient, less burdensome, or less expensive.

14 **TOPIC NO. 18:**

15 The number of units purchased, percentage purchased of total Apps
16 downloaded or otherwise obtained and usage rates of Apple Apps that require the use of
17 multiple fingers, the Multi-Touch technology, or the Accused Instrumentality.

18 **RESPONSE TO TOPIC NO. 18:**

19 In addition to its General Objections, Apple objects to this topic to the extent it
20 seeks information protected by the attorney-client privilege or work product doctrine, or which is
21 otherwise immune from discovery. Apple objects to each of the topics as unduly burdensome and
22 not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for
23 information outside of the accused functionalities as identified in Elan's infringement
24 contentions. Apple further objects to this topic to the extent the burden or expense of the
25 proposed discovery outweighs its likely benefit. Apple also objects to this topic to the extent that
26 it is duplicative of other discovery requests and/or is obtainable from some other source or form
27 of discovery that is more convenient, less burdensome, or less expensive.

1 **TOPIC NO. 19:**

2 The costs, revenues, and profits, on monthly and annual basis, since January 1,
3 2003, relating to Apps that require the use of multiple fingers, the Multi-Touch technology,
4 or the Accused Instrumentality.

5 **RESPONSE TO TOPIC NO. 19:**

6 In addition to its General Objections, Apple objects to this topic to the extent it
7 seeks information protected by the attorney-client privilege or work product doctrine, or which is
8 otherwise immune from discovery. Apple objects to each of the topics as unduly burdensome and
9 not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for
10 information outside of the accused functionalities as identified in Elan's infringement
11 contentions. Apple further objects to this topic to the extent the burden or expense of the
12 proposed discovery outweighs its likely benefit. Apple also objects to this topic to the extent that
13 it is duplicative of other discovery requests and/or is obtainable from some other source or form
14 of discovery that is more convenient, less burdensome, or less expensive.

15 **TOPIC NO. 20:**

16 The marketing, post-sale and pre-sale market research, analysis and study of
17 Apple Apps that require the use of multiple fingers, the Multi-Touch technology, or the
18 Accused Instrumentality.

19 **RESPONSE TO TOPIC NO. 20:**

20 In addition to its General Objections, Apple objects to this topic to the extent it
21 seeks information protected by the attorney-client privilege or work product doctrine, or which is
22 otherwise immune from discovery. Apple objects to each of the topics as unduly burdensome and
23 not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for
24 information outside of the accused functionalities as identified in Elan's infringement
25 contentions. Apple further objects to this topic to the extent the burden or expense of the
26 proposed discovery outweighs its likely benefit. Apple also objects to this topic to the extent that
27 it is duplicative of other discovery requests and/or is obtainable from some other source or form
28 of discovery that is more convenient, less burdensome, or less expensive.

1 **TOPIC NO. 21:**

2 Market demand, including demand from individual consumers, corporate
3 entities and software or program developers, for Apps for the Accused Products that
4 require the use of multiple fingers, the Multi-Touch technology, or the Accused
5 Instrumentality.

6 **RESPONSE TO TOPIC NO. 21:**

7 In addition to its General Objections, Apple objects to this topic to the extent it
8 seeks information protected by the attorney-client privilege or work product doctrine, or which is
9 otherwise immune from discovery. Apple objects to each of the topics as unduly burdensome and
10 not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for
11 information outside of the accused functionalities as identified in Elan's infringement
12 contentions. Apple further objects to this topic to the extent the burden or expense of the
13 proposed discovery outweighs its likely benefit. Apple also objects to this topic to the extent that
14 it is duplicative of other discovery requests and/or is obtainable from some other source or form
15 of discovery that is more convenient, less burdensome, or less expensive.

16 **TOPIC NO. 22:**

17 Surveys, market or product projections, market or consumer research or
18 report, or user studies conducted or commissioned by or on behalf of, or otherwise in the
19 possession of, Apple that relate to the use of multiple fingers, either independently or
20 included as part of the subject matter of the overall Accused Products, the Accused
21 Instrumentality, Multi-Touch technology or the functionalities of touch-sensing input
22 devices.

23 **RESPONSE TO TOPIC NO. 22:**

24 In addition to its General Objections, Apple objects to this topic to the extent it
25 seeks information protected by the attorney-client privilege or work product doctrine, or which is
26 otherwise immune from discovery. Apple objects to each of the topics as unduly burdensome and
27 not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for
28 information outside of the accused functionalities as identified in Elan's infringement

1 it is duplicative of other discovery requests and/or is obtainable from some other source or form
2 of discovery that is more convenient, less burdensome, or less expensive.

3 Subject to and without waiving its objections, Apple will designate one or more
4 individuals to testify regarding user studies for the relevant functionalities of Apple's iPhone 3G,
5 iPhone 3GS, iPod touch, MacBook, MacBook Pro, MacBook Air, and Magic Mouse commercial
6 products.

7 **TOPIC NO. 29:**

8 Any tests, conducted by or for Apple, or by third party relating to the use of
9 multiple fingers on Accused Products and test data resulting from such tests.

10 **RESPONSE TO TOPIC NO. 29:**

11 In addition to its General Objections, Apple objects to this topic to the extent it
12 seeks information protected by the attorney-client privilege or work product doctrine, or which is
13 otherwise immune from discovery. Apple objects to each of the topics as unduly burdensome and
14 not reasonably calculated to lead to the discovery of admissible evidence to the extent it calls for
15 information outside of the accused functionalities as identified in Elan's infringement
16 contentions. Apple further objects to this topic to the extent the burden or expense of the
17 proposed discovery outweighs its likely benefit. Apple also objects to this topic to the extent that
18 it is duplicative of other discovery requests and/or is obtainable from some other source or form
19 of discovery that is more convenient, less burdensome, or less expensive.

20 Subject to and without waiving its objections, Apple will designate one or more
21 individuals to testify regarding user studies for the relevant functionalities of Apple's iPhone 3G,
22 iPhone 3GS, iPod touch, MacBook, MacBook Pro, MacBook Air, and Magic Mouse commercial
23 products.

24 Dated: June 24, 2011

WEIL, GOTSHAL & MANGES LLP

26 By: /s/ Sonal N. Mehta
27 Sonal N. Mehta
28 Attorneys for Defendant and
Counterclaim Plaintiff Apple Inc.