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12 Attorneys for Defendant and Counterclaim Plaintiff  
 Apple Inc.

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

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

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

**DECLARATION OF DEREK C.  
 WALTER IN SUPPORT OF APPLE'S  
 OPPOSITION TO ELAN  
 MICROELECTRONICS  
 CORPORATION'S MOTION TO  
 SHORTEN TIME FOR ITS MOTION  
 TO COMPEL DISCOVERY RELATED  
 TO APPLE iOS APPLICATIONS FOR  
 THE ACCUSED PRODUCTS**

JURY TRIAL DEMANDED  
 Hon. Paul Singh Grewal

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I, Derek C. Walter, declare:

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

2. During a telephonic meet and confer on discovery issues on the morning of July 13, 2011, Elan confirmed that it did not plan to accuse iOS Apps of infringing or try to extract royalties for the sale of iOS Apps. Rather, Elan explained that it sought discovery on iOS Apps as an “analysis tool.”

3. Attached as **Exhibit A** is a true and correct copy of July 14, 2011 email correspondence between Jane Bu and Derek Walter, sent between 5:05 p.m. and 7:05 p.m.

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

Executed on July 18, 2011 at Redwood Shores, California.

/s/ Derek C. Walter  
Derek C. Walter