

# **EXHIBIT A**

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**From:** DeBruine, Sean  
**Sent:** Tuesday, June 14, 2011 6:12 PM  
**To:** Mehta, Sonal; Apple Elan WGM Service  
**Cc:** Elan Apple Team

Sonal:

I am following up the phone message I left for you earlier today. As I mentioned, there are a number of issues related to discovery we need to discuss, in addition to our call tomorrow regarding deposition scheduling. One such topic is when Apple will produce its damages related financial documents. As you know Elan has started its rolling production, but we have not seen any such production from Apple. Obviously this will be a substantial production and it is difficult to schedule a deposition on this topics not knowing when the documents will be available or how long it will take to review them. I also raised an agreement to provide amended infringement and/or invalidity contentions. We intend to serve amended infringement contentions to address the new iPad 2 products and to refer to the information generated during discovery and the hearing in the ITC matter. Please let me know if Apple intends to amend any of its contentions so that we can discuss a date for an exchange.

In light of the sheer amount of discovery left on both sides, including the outstanding motions to compel and the numerous depositions noticed by both sides but not yet scheduled, it is unlikely that all discovery will be completed by July 15. It would make sense to seek an extension of the discovery cut-off. We propose that the parties agree to extend the fact discovery cut-off by a month to August 12, 2011. We also suggest moving the expert report and discovery deadlines by one week each to September 9, 2011 for affirmative reports, October 14, 2011 for rebuttal reports and November 4, 2011 for expert discovery cut-off. This schedule leaves four weeks between fact discovery and opening expert reports and provides four full weeks plus the week of Thanksgiving before pre-trial motions are due. Please let me know if Apple will agree to this modification. Of course we are available to discuss this tomorrow, but intend to raise this with the Court on Thursday if we cannot reach an agreement.

In addition, we would like to promptly meet and confer on any other issues to be addressed in the upcoming Case Management Conference, so that we can understand any proposals Apple intends to make and attempt to reach agreement before approaching the Court. For example, please let me know when Apple will have its proposal for the additional claim construction proceedings it has stated it would raise in the CMC, and any other issues Apple intends to raise.

Best regards,

**Sean DeBruine**  
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