

EXHIBIT C

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11 ELAN MICROELECTRONICS
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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 ELAN MICROELECTRONICS
CORPORATION,

18 Plaintiff,

19 v.

20 APPLE, INC.,

21 Defendant.

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

**ELAN MICROELECTRONICS
CORPORATION'S AMENDED
DISCLOSURE OF ASSERTED CLAIMS
AND INFRINGEMENT CONTENTIONS**

22 AND RELATED COUNTERCLAIMS
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1 Plaintiff Elan Microelectronics Corporation (“Elan”) submits its Amended Disclosure of
2 Asserted Claims and Infringement Contentions regarding infringement of Elan’s U.S. Patent No.
3 5,825,352 (“the ’352 patent”) and U.S. Patent No. 7,274,353 (“the ’353 patent”) (collectively
4 “Elan’s patents”) in accordance with Patent Local Rule 3-1, the Joint Case Management Statement
5 and Order and the agreement of the parties. Discovery is ongoing in this matter between Elan and
6 the Defendant Apple, Inc. (“Apple”), and, therefore, Elan reserves its right to amend its disclosure
7 of asserted claims and infringement contentions.

8 **I. THE CLAIMS ASSERTED TO BE INFRINGED**

9 Pursuant to Patent L. R. 3-1(a), Elan presently asserts that Apple has been and is now
10 infringing Elan’s ’352 and ’353 patents. Specifically, Elan believes that Apple has been or is now
11 infringing at least claims 1-2, 4, 6, 7, 10, 12, 14, 16, 18, 21, 24, 26, and 30 of the ’352 patent
12 (“asserted claims of ’352 patent”) under 35 U.S.C. §§271(a) and (b) and claims 1, 3-4, 6-7, 9-10,
13 and 12 of the ’353 patent (“asserted claims of the ’353 patent”) under 35 U.S.C. §§271(a).

14 Discovery is ongoing between Elan and Apple and other claims may be found to infringe Elan’s
15 patents. Accordingly, Elan reserves its right to assert additional claims of Elan’s patents upon
16 completion of discovery in this matter.

17 **II. THE ACCUSED INSTRUMENTALITIES**

18 Pursuant to Patent L. R. 3-1(b), Elan asserts that certain families of Apple’s products
19 infringe the asserted claims of the ’352 patent, including at least the MacBook series or family,
20 including but not limited to the MacBook, MacBook Air, and MacBook Pro, the iBook G4 (Mid
21 2005) series, and at least the PowerBook G4 series or family released after February 2005
22 (collectively “the accused laptops”), the iPhone series or family, including but not limited to
23 iPhone, iPhone 3G, iPhone 3GS, and iPhone 4 products, the iPod touch series or family, including
24 but not limited to the iPad and iPad 2 products, (collectively the “iOS products”), the Magic
25 Mouse series or family and the Magic Trackpad series or family.

26 Elan further asserts that Apple’s iOS products directly or infringe the asserted claims of the
27 ’353 patent. Those families of Apple products that Elan contends to infringe the asserted claims
28 include at least the iPhone series or family, including but not limited to the iPhone, iPhone 3G,

1 iPhone 3GS, and iPhone 4 products, the iPod touch series or family, and the iPad series or family
2 including but not limited to iPad and iPad 2 products. Discovery is ongoing between Elan and
3 Apple and other instrumentalities may be identified to infringe the Elan patents. Accordingly,
4 Elan reserves its right to assert additional claims of the Elan's patents upon completion of
5 discovery in this matter.

6 **III. INFRINGEMENT CHARTS**

7 Pursuant to Patent L. R. 3-1(c)-(e), **Exhibits A-D** set forth where in each of the accused
8 products each element of the asserted claims is found. Elan believes that each element of each
9 asserted apparatus claim is found within each of the Apple accused products in the touchpad or
10 touch screen devices alone or in combination with the products' associated hardware and
11 instructions, including software, firmware, and/or device drivers. Elan contends that each element
12 of each asserted claim is literally present or at a minimum present under the doctrine of
13 equivalents in each of the Apple accused products. Apple has directly infringed the asserted
14 method claims through its own use of the accused products to perform all of the steps of the
15 claimed methods. The end users of the accused products in the United States directly infringe by
16 using the accused product to perform all of the steps of the claimed methods. Apple has and
17 continues to induce that direct infringement of the asserted method claims by providing the
18 accused products that are especially adapted and designed to practice the claimed methods, and by
19 instructing end users to use the accused Apple products to perform the claimed methods through,
20 *inter alia*, product documentation, help screens and/or files, and sales and marketing material
21 provided to the users. Apple has aided and abetted the users' direct infringement with the
22 intention that the users of its products will perform those patented methods and infringe the
23 asserted claims.

24 Discovery is ongoing between Elan and Apple and accordingly Elan reserves the right to
25 amend or otherwise modify its identification if further relevant information is revealed or
26 circumstances change.

27 **IV. PRIORITY DATE OF ELAN'S PATENTS**

28 Pursuant to Patent L. R. 3-1(e), the asserted inventions claimed in the '352 patent are

