

EXHIBIT A

1 MATTHEW D. POWERS (Bar No. 104795)
Email: matthew.powers@weil.com
2 JARED BOBROW (Bar No. 133712)
Email: jared.bobrow@weil.com
3 SONAL N. MEHTA (Bar No. 222086)
Email: sonal.mehta@weil.com
4 DEREK WALTER (Bar No. 246322)
Email: derek.walter@weil.com
5 STEFANI SMITH (Bar No. 251305)
Email: stefani.smith@weil.com
6 NATHAN GREENBLATT (Bar No. 262279)
Email: nathan.greenblatt@weil.com
7 WEIL, GOTSHAL & MANGES LLP
Silicon Valley Office
8 201 Redwood Shores Parkway
Redwood Shores, CA 94065
9 Telephone: (650) 802-3000
Facsimile: (650) 802-3100

10 Attorneys for Defendant and Counterclaim
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

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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 variances;

2 i. any claimed relevant allocation of overhead, the detail of costs included in such
3 overhead and the bases and methods for allocating such overhead to the Accused Products;

4 j. research and development costs for the Accused Instrumentality;

5 k. total gross and net revenues that is generated by the Accused Instrumentality
6 from sales in the United States, if the Accused Instrumentality is sold separately from the
7 Accused Products; and

8 l. the underlying documents reflecting or relating to the method of determining
9 revenue and costs in items (a) through (e).

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 78:**

11 In addition to its General Objections, Apple objects to this Request to the extent it
12 calls for information protected by the attorney-client privilege, work product doctrine or any other
13 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
14 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
15 information equally accessible to Elan.

16 Subject to and without waiving its objections and following a reasonable search,
17 Apple will produce non-privileged documents sufficient to show the following financial
18 information for the Accused Products on a product line basis, to the extent such documents exist
19 in its possession, custody, or control and are maintained in the ordinary course of business:
20 revenues, units sold, costs of goods sold, overhead, and research and development costs.

21 **REQUEST FOR PRODUCTION NO. 79:**

22 All documents relating to any internal analysis or study of anticipated and realized
23 changes in product price, profits per units and sales volumes due to the incorporation of the
24 Accused Instrumentality and/or the Multi-Touch technology into the Accused Products.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 79:**

26 In addition to its General Objections, Apple objects to this Request to the extent it
27 calls for information protected by the attorney-client privilege, work product doctrine or any other
28 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly

1 burdensome.

2 Subject to and without waiving its objections, Apple will produce non-privileged
3 responsive documents in its possession, custody or control, if any exist and are located following
4 a reasonable search.

5 **REQUEST FOR PRODUCTION NO. 80:**

6 All documents related to customer acceptance of the iPod Touch compared to the
7 iPod without the Multi-Touch technology.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 80:**

9 In addition to its General Objections, Apple objects to this Request to the extent it
10 calls for information protected by the attorney-client privilege, work product doctrine or any other
11 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
12 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
13 information equally accessible to Elan. Apple objects that this request is duplicative of other
14 requests for production including Request No. 54.

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

19 **REQUEST FOR PRODUCTION NO. 81:**

20 All documents related customer acceptance of MacBooks with Multi-Touch
21 technology compared to those without.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 81:**

23 In addition to its General Objections, Apple objects to this Request to the extent it
24 calls for information protected by the attorney-client privilege, work product doctrine or any other
25 applicable privilege or immunity. Apple further objects to this Request as overbroad and unduly
26 burdensome. Apple objects to this Request to the extent it seeks publicly available documents or
27 information equally accessible to Elan. Apple objects that this request is duplicative of other
28 requests for production including Request No. 54.

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 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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