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12 Attorneys for Defendant and Counterclaim Plaintiff
 13 Apple Inc.

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

17 ELAN MICROELECTRONICS
 18 CORPORATION,
 19 Plaintiff and Counterclaim
 Defendant,

20 v.

21 APPLE INC.,
 22 Defendant and Counterclaim
 23 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
 COMPEL DISCOVERY RELATED
 TO APPLE iOS APPLICATIONS FOR
 THE ACCUSED PRODUCTS**

DATE: August 23, 2011
 TIME: 10:00 a.m.
 JUDGE: Hon. Paul S. Grewal
 CTRM: 5

1 I, Derek C. Walter, declare:

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

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

10 2. Attached as **Exhibit A** is a true and correct copy of a webpage titled iOS
11 Developer Library, retrieved from <http://developer.apple.com/library/ios/navigation/index.html>
12 on August 1, 2011.

13 3. Attached as **Exhibit B** is a true and correct copy of iTunes Store Top 10
14 Apps – Paid, retrieved from
15 <http://www.apple.com/euro/itunes/charts/apps/top10appstorepaid.html> on July 29, 2011 .

16 4. Attached as **Exhibit C** is a true and correct copy of a Wikipedia entry titled
17 Angry Birds, retrieved from http://en.wikipedia.org/wiki/Angry_Birds on July 31, 2011.

18 5. Attached as **Exhibit D** is a true and correct copy of the iTunes Preview
19 page for the Angry Birds app, retrieved from <http://itunes.apple.com/us/app/angry-birds/id343200656> on August 2, 2011.

21 6. Attached as **Exhibit E** is a true and correct copy of an article entitled
22 “Weekly Ketchup: Angry Birds Movie In The Works,” July 8th 2011.

23 7. Attached as **Exhibit F** is a true and correct copy of *Beinen v. Ctr. for the*
24 *Study of Popular Culture*, 2006 U.S. Dist. LEXIS 96088, No. C06-2298 JW (N.D. Cal. Oct. 31,
25 2006).

26 8. Attached as **Exhibit G** is a true and correct copy of a press release titled
27 Apple Introduces the New iPhone 3G, dated June 9, 2008.

28 9. Attached as **Exhibit H** is a true and correct copy of *Sun Microsystems*,

