

EXHIBIT F

From: Rathinasamy, Palani P.
Sent: Tuesday, July 26, 2011 5:50 PM
To: Walter, Derek
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Derek,

You repeatedly mischaracterize our meet and confer. As I explained during the meet and confer, we request all relevant documents produced by the Apple testing tools. These documents are relevant because Apple has argued and continues to argue that Elan has presented no evidence that Apple performs multi-finger gestures. As you know, the documents requested by Elan show Apple's use of the Accused Products in an infringing manner. Thus, to the extent that Apple continues to argue that Elan has not presented evidence that Apple employees use the Accused Products as claimed by Elan, Elan requests these documents regardless of how the document was generated or who generated the document. Those document are very likely to show Apple's direct infringement.

Your e-mail requests that Elan somehow limit its request to specific custodians. However, you refused to identify *any* Apple custodians who would be involved with the generation of the type of documents requested by Elan. In fact, you failed to identify whether the data has yet been collected from Ms. Cinereski, the employee that I specifically identified and who created one of the tools in question. Regardless, only Apple is in a position to know which of its engineers possessed Apple's testing tools and to gather the requested *relevant* data generated by those engineers. It appears from our conversation that Apple has failed to do the most *basic* research to determine what information Apple itself possesses. This is particularly true when you stated during the meet and confer that Elan somehow knows the contents of Apple's documents better than Apple does.

Finally, your e-mail, not surprisingly, omits that Elan has provided significant guidance as to its request. First, you originally took the position that Elan's request was overly burdensome because it was not limited in time in that it requests data stretching back to 1995. As I explained during the meet and confer, it is our understanding that the [REDACTED] and [REDACTED] tool were created around late 2003 and late 2004 respectively, and that should therefore limit the request in terms of time. In addition, as I explained during the meet and confer, Elan has provided numerous examples of the types of relevant documents in its document request by pointing Apple to specific production ranges and asked that all such data be produced.

To the extent that Apple fails to do the most basic search and instead continues to rely on boilerplate objections, we are at an impasse and Elan will file a motion to compel on this issue.

Regards,

Palani

From: Walter, Derek [mailto:Derek.Walter@weil.com]
Sent: Tuesday, July 26, 2011 5:04 PM
To: Rathinasamy, Palani P.
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Palani:

I write to follow up on our meet and confer on Elan's RFP Nos. 101-04. During our call, you confirmed that you are asking Apple to identify and produce every instance of every document and/or data set generated by any Apple engineer who has ever used either the [REDACTED] or [REDACTED] tool. Put another way, you confirmed that you were asking us to produce every instance of every document of the exemplary types identified in your discovery request. From the outset of the call, we explained that there was no central repository for such documents at Apple. Moreover, given the age of some of the tools in question, the nature of the data they generate (*i.e.*, seemingly random sets of numbers), and the fact that data from these tools is generated as one-off screenshots or data files ad hoc, it is extremely burdensome to search for the data you seek in the records of individuals' custodians, if it even exists. This burden is exacerbated by the fact that Elan has known about these tools from Apple's production for well over a year, but waited until the last few weeks of fact discovery to request that we undertake such a sweeping and burdensome search in compressed time.

We thus asked that you narrow your request in some way to make it reasonable. For example, we suggested that you could identify some possible custodians for us to search based on your review of our document production, a proposal we could then consider with our team and client. Although you declined to narrow your discovery requests on our call, we reiterate our willingness to discussing reasonable compromises taking into account the circumstances of your requests and what you are seeking. To the extent Elan declines to consider a reasonable compromise and insists that we search for all document ever generated by any of the tools identified in your discovery request, your request remains extremely overbroad and unduly burdensome, and Apple stands on its objections.

Thanks,

Derek

From: Walter, Derek
Sent: Tuesday, July 26, 2011 1:16 PM
To: Rathinasamy, Palani P.
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Palani:

Are you available at 1:30 today? If so, just call my office at (650) 802-3934.

Thanks,

Derek

From: Rathinasamy, Palani P. [mailto:Palani.Rathinasamy@alston.com]
Sent: Tuesday, July 26, 2011 10:45 AM
To: Walter, Derek
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Derek,

Let's talk at lunch today as I understand that you are sitting second chair in the deposition today. We need an affirmative position today on whether Apple will produce this relevant discovery in light of the fact that fact discovery is closing shortly and due to upcoming 30(b)(6) depositions relating to, inter alia, [REDACTED] testing tools.

Thanks,

Palani

From: Walter, Derek [mailto:Derek.Walter@weil.com]
Sent: Monday, July 25, 2011 7:57 PM
To: Rathinasamy, Palani P.
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Palani:

I will be in the Marriott deposition tomorrow. Are you available sometime in the early evening tomorrow? Alternatively, Wednesday is fairly open.

Thanks,

Derek

From: Rathinasamy, Palani P. [mailto:Palani.Rathinasamy@alston.com]
Sent: Monday, July 25, 2011 2:32 PM
To: Walter, Derek
Cc: Elan Apple Team; Apple Elan WGM Service
Subject: Re: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Derek,

Unfortunately 5:30 PM won't work for us today. Are you available tomorrow at 9:30 AM?

Best,

Palani

From: Walter, Derek [mailto:Derek.Walter@weil.com]
Sent: Sunday, July 24, 2011 03:13 PM
To: Rathinasamy, Palani P.
Cc: Elan Apple Team; Apple Elan WGM Service <Apple.Elan.WGM.Service@weil.com>
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Palani:

I apologize, I meant to respond to the email below. Will 5:30 PM on Monday work for you?

Thanks,

Derek

From: Rathinasamy, Palani P. [mailto:Palani.Rathinasamy@alston.com]
Sent: Friday, July 22, 2011 11:07 AM
To: Greenblatt, Nathan; Walter, Derek
Cc: Elan Apple Team; Apple Elan WGM Service; Matthew.Powers@tensegritylawgroup.com
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Hi Nathan,

How about 10:00 AM on Monday, July 25.

Thanks,

Palani

From: Greenblatt, Nathan [mailto:nathan.greenblatt@weil.com]
Sent: Friday, July 22, 2011 9:42 AM
To: Rathinasamy, Palani P.; Walter, Derek
Cc: Elan Apple Team; Apple Elan WGM Service; Matthew.Powers@tensegritylawgroup.com
Subject: RE: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Hi Palani,

I am sending this email on behalf of Derek Walter, who is out of the office. Thank you for your email. We are not available to meet and confer today at 1 p.m. Can you propose a time early next week?

Thanks,



Nathan A. Greenblatt

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From: Rathinasamy, Palani P. [mailto:Palani.Rathinasamy@alston.com]
Sent: Thursday, July 21, 2011 5:43 PM
To: Walter, Derek
Cc: Elan Apple Team; Apple Elan WGM Service; Matthew.Powers@tensegritylawgroup.com
Subject: Elan/Apple: Apple's Response to Elan's RFP Nos. 101-104

Dear Derek,

I write regarding Apple's July 14th objections to Elan's Request for Production Nos. 101-104. These requests require that Apple produce documents generated from the tool described in APEL0497107 (RFP 101), Apple's [REDACTED] (RFP 102), Apple's [REDACTED] (RFP 103), and Apple's [REDACTED] or [REDACTED] algorithm, such as those shown in APEL0497107, APEL0500763, APEL0500875, and APEL0501220. Apple has objected to producing these relevant documents as "overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence, including without limitation, to the extent it seeks information available to Elan through other sources, including through the inspection or testing of the accused products and/or [Apple tool] made available by Apple, and to the extent it seeks documents and things not related to the accused functionalities of the accused products."

We disagree that this is a valid basis on which to withhold these plainly relevant documents. These documents are relevant to other issues, and will provide information not available to Elan through other sources. For example, this information is relevant and admissible to show that Apple's employees use the accused products in this country in an infringing manner. Apple's reliance on Elan's inspection or testing of the accused products or Apple's testing tools is unavailing because, as you know, Elan's inspection of the product and testing tools would lead to data generated by Elan – not Apple employees. Thus, the information requested by Elan is both relevant and admissible and Elan requests that Apple immediately produce such documents. Please let us know if you are available to meet and confer tomorrow at 1:00 PM PST regarding this issue.

Best Regards,

Palani

Palani P. Rathinasamy

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