

1 MATTHEW D. POWERS (Bar No. 104795)  
 matthew.powers@tensegritylawgroup.com  
 2 TENSEGRITY LAW GROUP LLP  
 201 Redwood Shores Parkway, Suite 401  
 3 Redwood Shores, CA 94065  
 Telephone: (650) 802-6000  
 4 Facsimile: (650) 802-6001

5 JARED BOBROW (Bar No. 133712)  
 jared.bobrow@weil.com  
 6 SONAL N. MEHTA (Bar No. 222086)  
 sonal.mehta@weil.com  
 7 DEREK C. WALTER (Bar. No. 246322)  
 derek.walter@weil.com  
 8 NATHAN GREENBLATT (Bar No. 262279)  
 nathan.greenblatt@weil.com  
 9 WEIL, GOTSHAL & MANGES LLP  
 Silicon Valley Office  
 10 201 Redwood Shores Parkway  
 Redwood Shores, CA 94065  
 11 Telephone: (650) 802-3000  
 Facsimile: (650) 802-3100

12 Attorneys for Defendant and Counterclaim Plaintiff  
 13 Apple Inc.

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

17 ELAN MICROELECTRONICS  
 18 CORPORATION,

19 Plaintiff and Counterclaim  
 20 Defendant,

21 v.

22 APPLE INC.,

23 Defendant and Counterclaim  
 24 Plaintiff.

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

**DECLARATION OF DEREK C.  
 WALTER IN SUPPORT OF APPLE  
 INC.'S MOTION FOR PARTIAL  
 SUMMARY JUDGMENT OF NON-  
 INFRINGEMENT OF ELAN'S '352  
 PATENT BY APPLE'S CURRENT  
 PRODUCTS**

DATE: September 8, 2011  
 TIME: 1:30 p.m.  
 JUDGE: Hon. Richard Seeborg  
 CTRM: 3, 17th Floor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Derek C. Walter, declare:

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

1. Attached as **Exhibit 1** is a true and correct copy of the Commission Notice of Finding of No Violation dated June 30, 2011.

2. Attached as **Exhibit 2** is a true and correct copy of excerpts from the Final Initial and Recommended Determinations – Confidential Version dated April 29, 2011 (filed under seal).

3. Attached as **Exhibit 3** is a true and correct copy of Order No. 17 – Claim Construction dated November 9, 2011.

4. Attached as **Exhibit 4** is a true and correct copy of Elan Microelectronics Corporation’s Second Supplemental Infringement Contentions, Palani Rathinasamy Declaration Exh. E dated July 22, 2011 (filed under seal).

5. Attached as **Exhibit 5** is a true and correct copy of excerpts from Elan Microelectronics Corporation’s Post-Hearing Rebuttal Findings of Fact dated March 18, 2011 (filed under seal).

6. Attached as **Exhibit 6** is a true and correct copy of excerpts from Robert Dezmelyk’s Deposition Transcript dated December 8, 2010 (filed under seal).

7. Attached as **Exhibit 7** is a true and correct copy of Exhibit 22 to the Deposition Transcript of Robert Dezmelyk dated December 8, 2010 (filed under seal).

8. Attached as **Exhibit 8** is a computer animation of Apple’s accused algorithm (filed under seal).

9. Attached as **Exhibit 9** is a computer animation of Apple’s accused algorithm (filed under seal).

10. Attached as **Exhibit 10** is a true and correct copy of excerpts from the ITC

