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13	Apple Inc.	11
14	UNITED STATES DISTRICT COURT	
15	NORTHERN DISTRIC	CT OF CALIFORNIA
16	SAN FRANCISO	CO DIVISION
17	ELAN MICROELECTRONICS	Case No. C-09-01531 RS (PSG)
18	CORPORATION,	DECLARATION OF DEREK C.
19	Plaintiff and Counterclaim Defendant,	WALTER IN SUPPORT OF APPLE INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-
20	V.	INFRINGEMENT OF ELAN'S '352 PATENT BY APPLE'S CURRENT
21 22	APPLE INC.,	PRODUCTS
23	Defendant and Counterclaim Plaintiff.	DATE: September 8, 2011 TIME: 1:30 p.m.
24		JUDGE: Hon. Richard Seeborg CTRM: 3, 17th Floor
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	WALTER DECL. ISO APPLE'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON- INFRINGEMENT OF ELAN'S '352 PATENT	Case No. C-09-01531 RS (I

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

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

1 2	Investigation No. 337-714 Combined Hearing Transcripts (filed under seal).		
	Staff Posthearing Brief dated March 4, 2011 (filed under seal).		
4			
5	12. Attached as Exhibit 12 is a true and correct copy of excerpts from Ela		
	Microelectronics Corporation's Third Supplemental Responses to Apple's First Set of		
6 7	Interrogatories in the ITC, dated October 8, 2010 (filed under seal).		
8	13. Attached as Exhibit 13 is a true and correct copy of excerpts from Robert		
9	Dezmelyk's Deposition Transcript dated December 9, 2010 (filed under seal).		
10	14. Attached as Exhibit 14 is a true and correct copy of excerpts from Elan		
11	Microelectronics Corporation's Response to Apple Inc.'s Motion <i>In Limine</i> No. 3 in the ITC dated February 10, 2011.		
12			
13	I declare under the penalty of perjury under the laws of the United States of		
14	America that the foregoing is true and correct. Executed on August 4, 2011, at Redwood Shores, California.		
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17	/s/ Derek C. Walter		
18	Derek C. Walter		
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