

EXHIBIT 14

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Before The Honorable Paul J. Luckern
Chief Administrative Law Judge

In the Matter of

CERTAIN ELECTRONIC DEVICES WITH
MULTI-TOUCH ENABLED TOUCHPADS
AND TOUCHSCREENS

Investigation No. 337-TA-714

ELAN'S RESPONSE TO APPLE'S MOTION *IN LIMINE* NO. 3
(MOT. DKT. NO. 714-034)

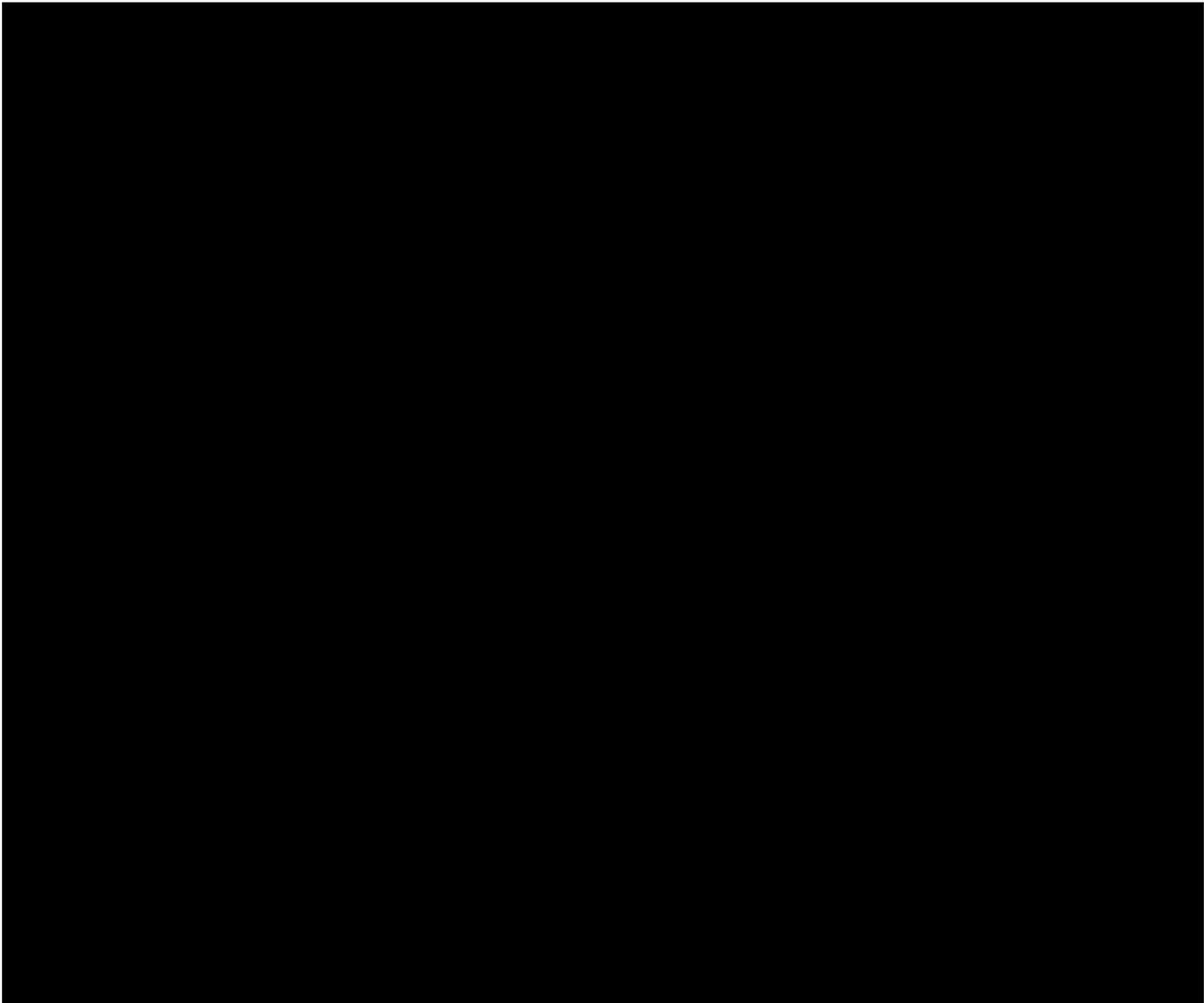
Complainant Elan Microelectronics Corporation (“Elan”) respectfully submits this response to Apple’s third motion *in limine*, which seeks to exclude an infringement theory that Elan has not alleged and to bar Elan’s request for a limited exclusion order, a cease and desist order, and a bond during the Presidential Review Period because these well-pleaded and commonplace remedial requests would somehow cause “unfair surprise[.]” (Apple Mem. at 1). Apple’s latest attempt to distract Elan’s counsel from its trial preparations mischaracterizes the record and should be denied.¹

¹ Apple’s Ground Rule 3(ii) certification misstates Elan’s position (*see* Apple Mot. at 1). Apple filed the instant motion *in limine* before Elan provided its position. Had Apple been more patient and complied with the applicable ground rule, at least the first half of this motion would have been unnecessary.

I. ELAN HAS NOT AND WILL NOT PRESENT A THEORY OF INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS

Apple spends five pages of its supporting memorandum opposing a hypothetical doctrine of equivalents infringement theory that Elan has not raised and will not raise. Apple's motion in this regard should be denied as moot.²

II. ELAN'S PURSUIT OF THE STATUTORY RELIEF AVAILABLE UNDER SECTION 337 CANNOT CONSTITUTE AN "UNFAIR SURPRISE[]"

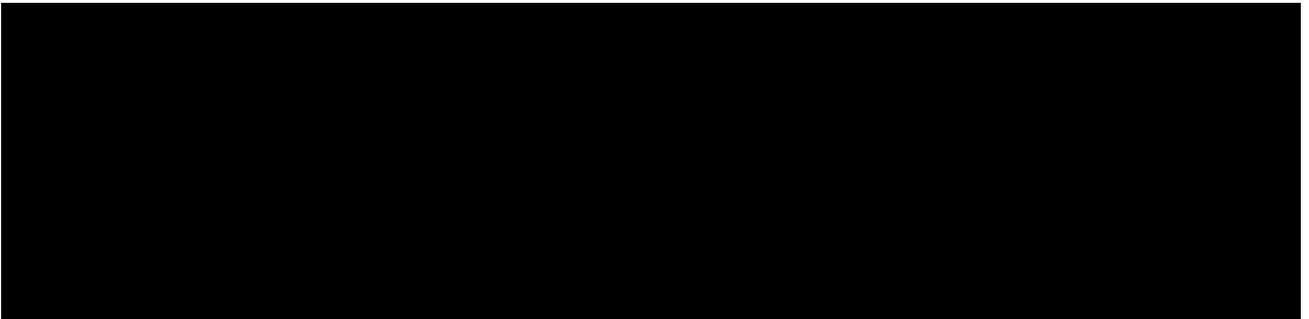


² Apple points to a February 7, 2011 e-mail that it misstates as requesting confirmation that Elan will not pursue the doctrine of equivalents (*see* Apple Mot. Exh. 1). To the contrary, the e-mail only requests that Elan notify Apple if it *did* intend to pursue such an infringement theory.



CONCLUSION

Apple's motion as to infringement theories under the doctrine of equivalents should be denied as moot because Elan has not offered and will not offer any such theories. Apple's

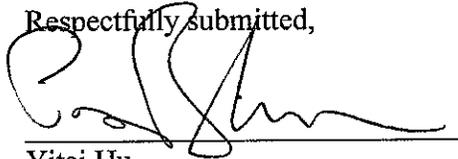


CONTAINS CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER

motion as to Elan's remedy and bonding contentions should be denied because Elan put Apple on adequate notice of its basis for seeking these statutory remedies and because Apple has not identified any specific prejudice that would result if Elan is allowed to continue pursuing them. Accordingly, Elan respectfully requests that Apple's motion be denied.

Dated: February 10, 2011

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, a true and correct copy of the foregoing **ELAN'S RESPONSE TO APPLE'S MOTION IN LIMINE NO. 3 (MOT. DKT. NO. 714-034)** was served by the indicated means to the persons at the addresses below:

The Honorable Marilyn R. Abbott Secretary U.S. International Trade Commission 500 E Street, S.W., Room 112-A Washington, D.C. 20436	Via Hand Delivery (Original + 6 Copies)
Hon. Paul J. Luckern Chief Administrative Law Judge U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 robert.hall@usitc.gov	Via Hand Delivery (2 Copies) and Electronic Mail (to Robert Hall)
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DATED: February 10, 2011



William H. Morris