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Attorneys for Defendant and  
Counterclaim Plaintiff,  
APPLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELAN MICROELECTRONICS  
CORPORATION,  
  
Plaintiff and Counterclaim  
Defendant,  
  
v.  
  
APPLE INC.,  
  
Defendant and Counterclaim  
Plaintiff.

Case No. C-09-01531 RS (PSG)  
  
STIPULATION AND [PROPOSED]  
ORDER REGARDING (1) DISPOSITIVE  
MOTION, (2) EXPERT REPORT, AND  
(3) TRIAL SCHEDULING  
  
Hon. Richard Seeborg

1 Defendant Apple, Inc. (“Apple”) and Plaintiff Elan Microelectronics Corporation  
2 (“Elan”), by and through their respective counsel of record, hereby stipulate as follows:

3 WHEREAS, during the August 4, 2011 CMC, the Court advised the parties to  
4 meet and confer regarding case scheduling, including scheduling for further dispositive motion  
5 practice and trial;

6 WHEREAS, during the August 4, 2011 CMC, the Court expressed a preference for  
7 further dispositive motion practice to be reasonably consolidated on at least a patent-by-patent  
8 basis;

9 WHEREAS, Elan has already filed a motion seeking partial summary judgment of  
10 infringement of U.S. Patent No. 5,825,352, which was heard on August 4, 2011;

11 WHEREAS, on August 4, 2011 Apple filed a motion seeking partial summary  
12 judgment of non-infringement of U.S. Patent No. 5,825,352, which Apple withdrew on August  
13 17, 2011, to be re-filed following the parties’ meet-and-confer on scheduling given the Court’s  
14 expressed preference for consolidation of dispositive motion practice (*see* Dkt. No. 403);

15 WHEREAS, the parties have agreed, subject to the Court’s approval, that by  
16 September 14, 2011, Apple will file its motion for summary judgment of indefiniteness of claims  
17 24, 26 and 30 of the ‘352 patent and re-file its motion for partial summary judgment of non-  
18 infringement of the ‘352 patent, with the hearing on those motions scheduled for October 20,  
19 2011;

20 WHEREAS, the parties have further agreed, subject to the Court’s approval, that  
21 they will file dispositive motions on the other three patents-in-suit on October 27, 2011. The  
22 parties anticipate that those motions will include Elan’s motion for partial summary judgment that  
23 Apple infringes its U.S. Patent No. 7,274,353 and that the asserted claims of Apple’s U.S. Patens  
24 No. 5,764,218 and 7,495,659 are invalid, as well as Apple’s motion for partial summary judgment  
25 that the ‘353 patent claims are invalid.

26 WHEREAS, the parties have agreed that these motions may be heard by the Court  
27 on January 12, 2012, or a date or dates thereafter convenient for the Court;





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FILER'S ATTESTATION

I, Sonal N. Mehta, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER REGARDING (1) DISPOSITIVE MOTION, (2) EXPERT REPORT, AND (3) TRIAL SCHEDULING. In compliance with General Order 45, paragraph X.B. I hereby attest that Sean DeBruine has concurred in this filing.

By: /s/ Sonal N. Mehta  
Sonal N. Mehta