

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: October 20, 2011
 TIME: 1:30 p.m.
 JUDGE: Hon. Richard Seeborg
 CTRM: 3, 17th Floor

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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

