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U.S. DISTRICT COURT
NO. DISTRICT CALIF. S.J.



ORIGINAL

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 ELAN MICROELECTRONICS CORPORATION
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION

CRS

12 ELAN MICROELECTRONICS)
 CORPORATION,)

Case No. C 09 01531 RS

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14 Plaintiff,

v.

APPLE, INC.,

Defendant.

**PROOF OF SERVICE AND SUMMONS
UPON DEFENDANT APPLE, INC.**

UNITED STATES DISTRICT COURT

for the

Northern District of California

Elan Microelectronics Corporation

Plaintiff

v.

Apple, Inc.

Defendant

E-filing

Civil Action No.

C09 01531

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Apple, Inc.
1 Infinite Loop
Cupertino, CA 95014

ADR

RS

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Sean P. DeBruine
Aiston + Bird
3000 El Camino Real, Two Palo Alto Square, Suite 400
Palo Alto, CA 94306

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT
Richard W. Wieking

Tiffany Salinas-Harwell

Signature of Clerk of Court or Deputy Clerk

Tiffany Salinas-Harwell

Date: APR 07 2009

ALSTON + BIRD
Sean P. Debruine, Esq.
3000 El Camino Real
Two Palo Alto Square, Suite 400
Palo Alto, California 94306
Telephone: (650) 838-2000

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Elan Microelectronics Corporation,
Plaintiff(s)

CASE NUMBER:

C09 01531 RS

v.
Apple, Inc.

Defendant(s)

**PROOF OF SERVICE
SUMMONS AND COMPLAINT**
(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
 - a. summons complaint alias summons first amended complaint
 second amended complaint
 third amended complaint
 - other (specify): SEE ATTACHED LIST OF DOCUMENTS
2. Person served:
 - a. Defendant (name): Apple, Inc.
 - b. Other (specify name and title or relationship to the party/business named):
CT Corporation, Agent for service of process (served: Margaret Wilson)
 - c. Address where papers were served: 818 W. 7th St., 2nd floor, Los Angeles, CA 90017
3. Manner of Service in compliance with (the appropriate box must be checked):
 - a. Federal Rules of Civil Procedure
 - b. California Code of Civil Procedure
4. I served the person named in Item 2:
 - a. By Personal service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. Papers were served on (date): April 8, 2009 at (time): 12:20 p.m.
 - b. By Substituted service. By leaving copies:
 1. (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. (business) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. Papers were served on (date): _____ at (time): _____
 4. by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. papers were mailed on (date): _____
 6. due diligence. I made at least three (3) attempts to personally serve the defendant.

- c. **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. **(Attach completed Waiver of Service of Summons and Complaint).**
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. **(Attach a copy of the order to this Proof of Service).**
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- h. **Other** (specify code section and type of service):
5. Service upon the **United States, and Its Agencies, Corporations or Officers.**
- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): _____ at (time): _____
- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. **(Attach signed return receipt or other evidence of actual receipt by the person served).**
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation **(Attach signed return receipt or other evidence of actual receipt by the person served).**
6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

Jose Oviedo, Ace Messenger & Attorney
Service, Inc.
811 Wilshire Blvd., Suite 900
Los Angeles, California 90017
Telephone: (213) 623-3979
Reg.# 5699 County: Los Angeles

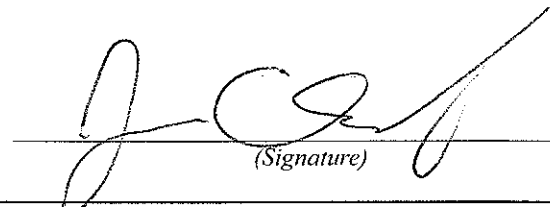
a. Fee for service: \$

- b. Not a registered California process server
- c. Exempt from registration under B&P 22350(b)
- d. Registered California process server

8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: April 8, 2009



(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTACHED LIST OF DOCUMENTS

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELAN MICROELECTRONICS CORPORATION

v.
APPLE, INC.

CASE NUMBER: C09 01531 RS

1. UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA'S GUIDELINES FOR FILING PROCESS;
2. [BLANK] CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE;
3. NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL;
4. [BLANK] DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE;
5. ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES;
6. CONSENTING TO A MAGISTRATE JUDGE'S JURISDICTION IN THE NORTHERN DISTRICT OF CALIFORNIA;
7. CIVIL COVER SHEET;
8. STANDING ORDER RE: INITIAL CASE MANAGEMENT;
9. STANDING ORDER REGARDING CASE MANAGEMENT IN CIVIL CASES;
10. STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA

CONTENTS OF JOINT CASE MANAGEMENT STATEMENT

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