

Exhibit D

Morris, John

From: Morris, John
Sent: Monday, April 26, 2010 11:54 AM
To: Sonal.Mehta@weil.com; DeBruine, Sean
Cc: Apple.Elan.WGM.Service@weil.com; Elan Apple Team
Subject: Elan-Apple: ITC Investigation

Dear Sonal,

As you may have heard, today the ITC instituted the investigation based on Elan's complaint. In our last communication you said that Apple would most likely not seek a stay of the district court proceedings. Assuming that is still Apple's position Elan intends to bring a motion to stay as to its asserted patents tomorrow. Please let me know by close of business tomorrow whether Apple will agree to such a stay.

Also, assuming that the case will proceed on Apple's asserted patents I think it would be productive to discuss whether we can reach agreement on any or all of the outstanding claim construction issues. After reviewing the parties' positions and the expert depositions there are several terms where the parties appear to be in substantial agreement. I am certain Judge Seeborg would appreciate any attempts we can make to reduce the number of claim terms in dispute. Please let me know if Apple is available to discuss this issue later this week.

Best regards

Sean

William (John) Morris

Legal Secretary to Sean P. DeBruine

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