

# Exhibit E

**Morris, John**

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**From:** Mehta, Sonal [Sonal.Mehta@weil.com]  
**Sent:** Tuesday, April 27, 2010 5:46 PM  
**To:** DeBruine, Sean  
**Cc:** Apple Elan WGM Service; Elan Apple Team  
**Subject:** RE: Elan-Apple: ITC Investigation

Sean,

Apple does not plan to seek a stay of the district court action based on the ITC investigation. With respect to Elan's motion to stay, we will take a position once we have seen the motion. On your request for an expedited briefing schedule, your email at 4:30 pm today does not give us sufficient time to consider the request, especially in the abstract. Again, we will take a position on the expedited briefing schedule once we have seen the motion.

As to your suggestion that the parties discuss whether we can reach agreement on the outstanding claim construction issues, we are of course open to such a discussion. We are available on Friday afternoon at 1:30 pm. Please let us know if you are available at that time.

Regards,  
Sonal N. Mehta  
Weil Gotshal & Manges  
201 Redwood Shores Pkwy  
Redwood Shores, CA 94065  
t: (650) 802-3118  
f: (650) 802-3100  
[sonal.mehta@weil.com](mailto:sonal.mehta@weil.com)

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**From:** Sean.DeBruine@alston.com [mailto:Sean.DeBruine@alston.com]  
**Sent:** Tuesday, April 27, 2010 4:29 PM  
**To:** Mehta, Sonal  
**Cc:** Apple Elan WGM Service; Elan.Apple.Team@alston.com  
**Subject:** FW: Elan-Apple: ITC Investigation

Sonal,

I wanted to make sure you saw the email below. It was sent by my assistant on my behalf because I was out of the office yesterday. Please let me know if Apple has a position with regard to the motion to stay.

Also, Elan intends to ask the Court to shorten the time for Apple's response to the motion and any hearing the Court may wish. In particular Elan intends to ask that Apple's response to the motion to stay be made due on Monday, May 3, such that the motion may be decided before the upcoming *Markman* deadlines. Please let me know if Apple agrees to or opposes that schedule.

Thanks.

Sean

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26, 2010 11:54 AM  
weil.com; DeBruine, Sean  
M.Service@weil.com; Elan Apple Team

4/27/2010

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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