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 11 Apple Inc.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 ELAN MICROELECTRONICS
 CORPORATION,
 16
 Plaintiff and Counterclaim
 17 Defendant,
 18 v.
 19 APPLE INC.,
 20 Defendant and Counterclaim
 21 Plaintiff.

Case No. C-09-01531 RS (PVT)

**APPLE’S UNOPPOSED MOTION FOR
 LEAVE TO FILE THIRD AMENDED
 ANSWER AND COUNTERCLAIMS**

 JURY TRIAL DEMANDED
 Hon. Richard Seeborg

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1 Apple Inc. ("Apple") hereby moves for leave to file a Third Amended Answer and
2 Counterclaims against Plaintiff Elan Microelectronics Corp. ("Elan") pursuant to Federal Rule of
3 Civil Procedure 15(a)(2). Apple's Third Amended Answer and Counterclaims is attached as
4 Exhibit A. Elan has given written consent to Apple's amendment, which withdraws Apple's
5 claim of infringement of U.S. Patent No. 6,933,929, and adds allegations of willful infringement
6 of U.S. Patent Nos. 5,764,218 and 7,495,659 based on facts learned during discovery.

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8 Dated: May 7, 2010

WEIL, GOTSHAL & MANGES LLP

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11 By: /s/ Douglas E. Lumish

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14 Counterclaim Plaintiff
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