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 11 ELAN MICROELECTRONICS CORPORATION

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION
 15

16 ELAN MICROELECTRONICS CORPORATION,
 17 Plaintiff,
 18 v.
 19 APPLE, INC.,
 20 Defendant.

Case No. 09-cv-01531 RS
DECLARATION OF SEAN P. DEBRUINE IN SUPPORT OF ELAN MICROELECTRONICS CORPORATION'S OPENING CLAIM CONSTRUCTION BRIEF
 DATE: June 23, 2010
 TIME: 1:30 p.m.
 JUDGE: Richard Seeborg
 CTRM: Courtroom 3, 17th Floor

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 23 AND RELATED COUNTERCLAIMS

1 I, Sean P. DeBruine, declare as follows:

2 1. I am a partner in the law firm of Alston & Bird LLP, counsel to Plaintiff Elan
3 Corporation (“Elan”) in this action. I have personal knowledge of the following facts, except as
4 otherwise stated. If called to testify, I could and would testify competently to the matters stated
5 herein.

6 2. Attached as Exhibit A is a true and correct copy of U.S. Patent No. 5,825,352.

7 3. Attached as Exhibit B is a true and correct copy of U.S. Patent No. 5,764,218.

8 4. Attached as Exhibit C is a true and correct copy of the text of an article appearing in
9 the April, 1992 edition of Computer Shopper magazine entitled “Whatever Happened to the
10 Gavilan Mobile Computer?” retrieved from the Dialog periodical database. (ELN016902 –
11 ELN016904).

12 5. Attached hereto as Exhibit D is a true and correct copy of UK published patent
13 application GB 2139762 A to Prosenko, *et al.*, assigned to Gavilan Computer Corp.

14 6. Attached as Exhibit E is a true and correct copy of U.S. Patent No. 7,274,353.

15 7. Attached as Exhibit F is a true and correct copy of U.S. Patent No. 7,495,659.

16 8. Attached as Exhibit G are true and correct copies of pages from the transcript of the
17 April 1, 2010 deposition of Brian Von Herzen, Ph.D.

18 9. Attached as Exhibit H is a true and correct copy of an Office Action dated October
19 24, 1996 from the prosecution history of U.S. Patent No. 5,764,218.

20 10. Attached as Exhibit I is a true and correct copy of an Amendment dated December,
21 26, 1996 from the prosecution history of U.S. Patent No. 5,764,218.

22 11. Attached as Exhibit J is a true and correct copy of the Notice of Allowability dated
23 March 7, 1997 from the prosecution history of U.S. Patent No. 5,764,218.

24 12. Attached as Exhibit K is a true and correct copy of the Claim Construction Order
25 issued April 6, 2007 in the case of *Elantech Devices Corp. v. Synaptics, Inc.*, Case No. C 06-
26 01839, Dkt. 91.

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13. Attached as Exhibit L is a true and correct copy of Elantech Devices Corp.'s Reply Claim Construction Brief for U.S. Patent 5,825,352, dated February 21, 2007, filed in the *Elantech v. Synaptics* case.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 7, 2010, at Palo Alto, California.

/s/ Sean P. DeBruine
Sean P. DeBruine

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