

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO.: 1:10-CV-23580-UU**

_____	)
MOTOROLA MOBILITY, INC.,	)
	)
Plaintiff,	)
	)
v.	)
	)
APPLE INC.,	)
	)
Defendant.	)
_____	)
APPLE INC.,	)
	)
Counterclaim-Plaintiff,	)
	)
v.	)
	)
MOTOROLA, INC. and	)
MOTOROLA MOBILITY, INC.,	)
	)
Counterclaim-Defendants.	)
_____	)

**DECLARATION OF CHRISTINE SAUNDERS HASKETT  
IN SUPPORT OF DEFENDANT AND COUNTERCLAIM-PLAINTIFF  
APPLE INC.'S MOTION TO STRIKE MOTOROLA'S SUPPLEMENTAL  
INFRINGEMENT CONTENTIONS**

I, Christine Saunders Haskett, hereby declare:

1. I am a partner with the law firm of Covington & Burling LLP, counsel of record for Apple Inc. (“Apple”) in the above-captioned matter. The matters referenced in this declaration are based on personal knowledge and belief and if called as a witness I could, and would, testify competently to these matters.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the transcript of the *Markman* hearing held in this matter on October 19, 2011.

3. Attached hereto as Exhibit 2 is a true and correct copy of an e-mail dated May 3, 2011 from me to Richard Erwine, counsel for Motorola.

4. On August 17, 2011, Motorola served a “revised” set of infringement contentions to specifically address issues of indirect infringement.

5. This lawsuit was filed on October 6, 2010. On December 29, 2010, Motorola served Apple with a first set of document requests and first set of interrogatories. On April 28, 2011, Motorola served Apple with a second set of interrogatories. These three sets of discovery requests constituted the only discovery efforts made by Motorola in this case between the filing of this action and the June 1, 2011 infringement contention deadline. During that time, Motorola did not notice a single deposition in this case, nor did Motorola make a single complaint to Apple about Apple’s responses to Motorola’s discovery in this case. Motorola did not serve its Rule 30(b)(6) deposition notice until July 27, 2011.

6. Attached hereto as Exhibit 3 is a true and correct copy of the cross-use agreement entered into by Motorola and Apple on April 6, 2011.

7. By May 18, 2011, Apple had produced over 8 million pages of documents to Motorola subject to the cross-use agreement between the parties.

8. Motorola's October 28, 2011 supplemental infringement contentions cite to nine Apple-produced documents that are not found in Motorola's previous infringement contentions. Of the nine Apple documents that Motorola added to its infringement contentions for the first time on October 28, 2011, six of them were produced by Apple to Motorola before June 1, 2011. The remaining three documents were produced no later than July 11, 2011. All nine documents were produced by Apple pursuant to the parties' cross-use agreement.

9. On June 28, 2011, the parties exchanged lists of fifteen proposed claim terms for construction. The parties met and conferred and ultimately narrowed the number of proposed claim terms for construction. On July 13, 2011, Apple selected seven proposed claim terms for the Court to construe based on the allegations set forth in Motorola's infringement contentions, served on May 18, 2011. In the selection of its final seven terms, Apple chose not to request a construction of the term "authorization element" in the '737 patent (which was included in Apple's original list of fifteen terms) in part because non-infringement of the '737 patent by Apple's Enterprise Application Distribution System can be demonstrated without a construction of that term.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on November 7, 2011 at San Francisco, California.

/s/ Christine Saunders Haskett  
Christine Saunders Haskett

**CERTIFICATE OF SERVICE**

I hereby certify that on November 7, 2011, I filed the foregoing document with the Clerk of the Court. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List via email and CM/ECF.

*/s/ Christopher R. J. Pace* \_\_\_\_\_  
Christopher R.J. Pace (Fla. Bar No. 0721166)

**SERVICE LIST**  
**Case No. 1:10cv023580-Civ-UU**

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