

# EXHIBIT 12

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November 9, 2011

**VIA E-MAIL**

Leslie N. Harvey, Esq.  
Covington & Burling LLP  
One Front Street  
San Francisco, CA 94111

Re:

Motorola Mobility, Inc. v. Apple Inc., 10-cv-3580

Dear Leslie:

I write to follow up on your November 8, 2011 letter responding to Motorola's November 1, 2011 letter requesting Apple produce documents and source code on various topics. Although Apple agreed to produce some source code, specifically MobileMe synchronicity code, you asked Motorola to "explain why additional source code is necessary." Below is the list of topics for which Motorola requested source code in its November 1 letter, and an explanation of why Apple must produce source code for each topic.

1. **How Apple accused products filter html images:** Motorola's infringement contentions for U.S. Patents Nos. 5,958,006 and 6,101,531 contend that Apple products filter html images in a way that infringes on the claims of these patents. Apple has yet to produce any source code relevant to these contentions, despite Motorola Mobility's RFP No. 64, which explicitly requires production of "[a]ll documents and things that support, contradict, refute, or otherwise relate to Counterclaim-Defendants' allegations and contentions contained within the Complaint or Answer, Reply, and Counterclaims, *including without limitation any documents supporting Mobility's allegations that Apple has infringed and is infringing the Mobility Asserted Patents,*" and RFP No. 67, which explicitly requires production of "[a]ll documents and things concerning the research,

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design, development, manufacture, testing, operation, performance, installation, marketing, use, or sale of any of Apple Accused Instrumentality, including without limitation *all source code*....”

2. **If and how Apple accused products, as a result of a filter, exclude any data when downloading to a user's device:** Motorola's infringement contentions for the '006 and '531 patents contend that Apple products exclude data when downloading to a user's device. Apple has yet to produce any source code relevant to these contentions, despite the above-listed RFPs.
3. **Apple's MobileMe and iCloud server architecture, including host servers and communications servers, and how the Apple accused products interact with the network of the mobile carriers:** Many of Motorola's infringement contentions in the '006, '531, 5,754,119, 6,377,161, and 6,008,737 patents rely in part on Apple's public statements regarding its server architecture. Apple has yet to produce any source code relevant to these contentions, despite the above-listed RFPs.
4. **The "Load Remote Images" option on the iPhone, iPad and iMac computers, the uses of that option, and the reason or reasons Apple provides that option:** Motorola's infringement contentions for the '006 and '531 patents are based in part on the presence of the "load remote images" option in Apple accused products. Apple has yet to produce any source code relevant to these contentions, despite the above-listed RFPs.
5. **Apple's authentication system for the App Store and iTunes, and the use of that authentication system:** Motorola's infringement contentions for the '737 patent rely in part on Apple's public statements concerning its authentication system for the App Store and iTunes. Apple has yet to produce any source code relevant to these contentions, despite the above-listed RFPs.
6. **Apple's "Fairplay" encryption system:** Motorola's infringement contentions for the '737 patent rely in part on Apple's public statements concerning its "Fairplay" encryption system. Apple has yet to produce any source code relevant to these contentions despite the above-listed RFPs.
7. **How Apple's system recognizes a device requesting authorization of an app:** Motorola's infringement contentions for the '737 patent rely in part on Apple's public statements concerning how devices request authorization of an app. Apple has yet to produce any source code relevant to these contentions, despite the above-listed RFPs.
8. **Apple's "UDID" number, how that number is used to authenticate a device, and/or any other reference used to authenticate a device:** Apple has produced a few documents demonstrating that Apple may use the "UDID" number of an iPhone or iPad, along with user name and password, to authenticate software. But Apple has produced no source code or other documentation the internal structure of these systems, despite the above-listed RFPs.

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- 12. How Apple synchronizes message status among multiple devices, and how Apple's MobileMe and iCloud services are used to synchronize a user's message status:** Motorola's infringement contentions for the '119 and '161 patents rely in part on Apple's public statements concerning how its systems synchronize message status among multiple devices and how the MobileMe and iCloud services synchronize a user's message status. Although Apple has agreed to produce MobileMe synchronization source code, it must also produce iCloud source code to comply with Motorola's above-listed RFPs.
- 13. How Apple's devices determine whether an address is already in the user's contacts:** Motorola's infringement contentions for the '119 and '161 patents rely in part on Apple's public statements concerning how Apple's devices determine whether an address is already in the user's contacts. Apple states that it has already produced Address Book source code. But to comply with the above-listed RFPs, Apple must also produce any other source code necessary to show how Apple's devices determine whether an address is already in the user's contacts.
- 14. The options provided to the user based on the determination that an address is or is not already in the user's contacts:** Motorola's infringement contentions for the '119 and '161 patents rely in part on Apple's public statements concerning the options provided to the user based on the determination that an address is or is not already in the user's contacts. Apple states that it has already produced Address Book source code. But to comply with the above-listed RFPs, Apple must also produce any other source code necessary to demonstrate the options provided to the user based on the determination that an address is or is not already in the user's contacts.

As always, we remain willing to meet and confer to resolve any discovery issues, and hope that you similarly remain willing to work together on these issues in a timely and efficient manner.

Very truly yours,

/s/

David Perlson