

EXHIBIT 7

John Duchemin

From: David Perlson
Sent: Monday, November 14, 2011 9:35 AM
To: Ferguson, Brian; Apple Moto Weil; AppleCov@cov.com
Cc: Moto-Apple-662-WI; Weil_TLG Apple Moto FL External
Subject: RE: Apple Inc.; et al. v. Motorola, Inc., et al - WI 662

Brian,

We are not “manufacturing” any inconsistency.

You state, “In contrast, the Court in Florida made it clear that the infringement contentions deadline was final in nature, i.e., it represented a hard deadline beyond which no supplementation would be allowed.” But the scheduling orders in both Wisconsin and Florida both refer to “Infringement Contentions.” The Wisconsin order says nothing about “preliminary” contentions and the Florida order says nothing about “final” contentions. And obviously there are deadline for expert reports in both cases. In what way does Apple contend that “the Court in Florida made it clear that the infringement contentions deadline was final in nature” that is in any way different from what the Court ordered in Wisconsin regarding “infringement contentions”?

You also try to support the supposed difference between the “practice” is due to the fact that “expert reports are served long before the close of fact discovery in Wisconsin,” which seems to be a non-sequitor. Please explain why that supports Apple’s position. Indeed, in both cases, “infringement contentions” were due several months before the close of fact discovery and in both cases “infringement contentions” were due before claim construction.

David

From: Ferguson, Brian [mailto:brian.ferguson@weil.com]
Sent: Friday, November 11, 2011 1:39 PM
To: David Perlson; Apple Moto Weil; AppleCov@cov.com
Cc: Moto-Apple-662-WI; Weil_TLG Apple Moto FL External
Subject: RE: Apple Inc.; et al. v. Motorola, Inc., et al - WI 662

Dear David:

Your attempt to manufacture an inconsistency between Apple's positions in Wisconsin and Florida is without merit. It is clear that, in Wisconsin, the practice is that the March 4, 2011 date for infringement contentions is for preliminary contentions and final contentions are contained in the expert reports, which are served long before the close of fact discovery in Wisconsin. In contrast, the Court in Florida made it clear that the infringement contentions deadline was final in nature, i.e., it represented a hard deadline beyond which no supplementation would be allowed. Accordingly, Apple will not strike any portions of its expert reports addressing products Motorola introduced after the March 4, 2011 contentions date.

Regards,

Brian

Weil

Brian E. Ferguson

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From: David Perlson [mailto:davidperlson@quinnemanuel.com]
Sent: Thursday, November 10, 2011 1:42 PM
To: Apple Moto Weil; AppleCov@cov.com
Cc: Moto-Apple-662-WI; Weil_TLG Apple Moto FL External
Subject: Apple Inc.; et al. v. Motorola, Inc., et al - WI 662

Counsel,

The December 20, 2010 Scheduling Order in the Wisconsin 662 case provides that “infringement contentions” were due March 4, 2011. In Apple’s September 15, 2011 expert reports, Apple includes numerous products that were not accused or mentioned in its March 4 contentions. This is inconsistent with Apple’s position regarding the June 1 date for “infringement contentions” in Apple’s Motion to Strike in the Florida case. In particular, in Florida, Apple takes the position that products not mentioned in a parties’ operative “infringement contentions” may not later be accused in the case even if they were not released at the time the infringement contentions were served, stating for example, “Both parties have released new products since the Court-ordered deadline for infringement contentions, but allowing the parties to add newly-released products to infringement contentions would become a never-ending process, requiring yet more discovery, and the case would never proceed to trial.”

Given Apple’s stated position on the issue in the Florida case, does Apple intend to strike the products from its expert reports that were not mentioned in its March 4, 2011 contentions in Wisconsin? Specifically, these products include the Droid 3, Droid X2, Milestone, Photon, Spice, Titanium, Triumph, and XPRT. Please respond by close of business tomorrow.

David

David Perlson

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