

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:10cv023580-Civ-RNS

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

JURY TRIAL DEMANDED

APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

**DECLARATION OF CATHLEEN GARRIGAN IN SUPPORT OF
MOTOROLA'S MOTION TO AMEND THE PROCEDURAL
SCHEDULE TO SERVE SUPPLEMENTAL INVALIDITY CONTENTIONS**

I, Cathleen G. Garrigan, declare:

I am a member of the bar of the State of California, admitted *pro hac vice* in this action and an associate with Quinn Emanuel Urquhart & Sullivan, LLP, attorneys for Motorola Mobility, Inc. and Motorola Solutions, Inc. (f/k/a Motorola, Inc.) (collectively "Motorola"). I

make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently to the matters contained in this declaration.

1. Attached hereto as Exhibit A is a true and correct copy of the *Apple, Inc. v. Samsung Electronics Co., Ltd., et al.*, Judgment in summary proceeding of 24 August 2011 in the case with case number/roll number 396957 / KG ZA 11-730 and in the case with case number/roll number 396959 / KG ZA 11-731 in the Court of the Hague, Civil Law Section.

2. Attached hereto as B is a true and correct copy of Apple's Invalidation Contentions served on June 20, 2011.

3. Attached hereto as Exhibit C is an excerpt of a true and correct copy Motorola's Invalidation Contentions served on June 20, 2011.

4. Attached hereto as Exhibit D is an excerpt of a true and correct copy of Motorola's First Set of Requests for the Production of Documents served on December 29, 2010.

5. Attached hereto as Exhibit E is a true and correct copy of a September 1, 2011 letter from Matthew Korhonen to Jill Ho and Christine Haskett requesting the production of prior art and other documents from the *Apple, Inc. v. Samsung Electronics. Co., Ltd.*, et al. litigation taking place in the Netherlands.

6. Attached hereto as Exhibit F is a true and correct copy of a September 13, 2011 e-mail from Brian Chang to Matt Korhonen regarding the production of documents from the *Apple, Inc. v. Samsung Electronics. Co., Ltd.*, et al. litigation taking place in the Netherlands. The username and password contained within the e-mail have been redacted.

7. Attached hereto as Exhibit G is an excerpt of a true and correct copy of the October 6, 2011 technical tutorial hearing transcript.

8. Attached hereto as Exhibit H is an excerpt of a true and correct copy of the Microsoft® Windows® 95 Resource Kit, copyrighted 1995 by Microsoft Corporation.

9. Attached hereto as Exhibit I is a true and correct copy of a November 30, 2011 e-mail from Jill Ho to John Duchemin requesting Motorola withdraw its Supplemental Invalidity Contentions.

10. Attached hereto as Exhibit J is a true and correct copy of U.S. Patent No. 7,100,185.

11. Attached hereto as Exhibit K is a true and correct copy of an excerpt of the prosecution history of U.S. Patent No. 7,100,185.

12. Attached hereto as Exhibit L is a true and correct copy of an excerpt of the Northern District of California Patent Local Rules.

13. Attached hereto as Exhibit M is an excerpt of a true and correct copy of the Eastern District of Texas Patent Local Rules.

14. Attached hereto as Exhibit N is an excerpt of a true and correct copy of the Hardware Design Guide for Microsoft Windows 95, copyrighted 1994 by Microsoft Corporation.

15. The documents produced by Apple on September 13, 2011, from the *Apple, Inc. v. Samsung Electronics. Co., Ltd., et al.* litigation taking place in the Netherlands, contained prior art not previously produced by Apple in this litigation.

16. On December 2, 2011, Cathleen Garrigan and Marshall Searcy, counsel for Motorola, met and conferred with Jill Ho, counsel for Apple, regarding Motorola's supplemental invalidity contentions. At the meet and confer Motorola stated its position that good cause existed for Motorola to supplement its invalidity contentions in light of Apple's late production of prior art and recent assertion that U.S. Patent Nos. 6,282,646 B1 and 7,380,116 B2

claim Plug and Play. Apple stated that the Court's scheduling order did not permit supplementation, but did not provide a substantive response to Motorola's statement that good cause existed for supplementation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 19th day of December, 2011 at San Francisco, California.

/s/ Cathleen G. Garrigan
Cathleen G. Garrigan