

**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 Invalidity Contentions served on June 20, 2011.

3. Attached hereto as Exhibit C is an excerpt of a true and correct copy Motorola's Invalidity 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 ("the Apple Netherlands litigation").

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 Netherlands litigation. 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 Netherlands litigation, 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. The parties could not reach agreement during this conference.

17. On December 20, 2011, Cathleen Garrigan and Marshall Searcy, counsel for Motorola, met and conferred with Jill Ho, counsel for Apple, regarding Motorola's supplemental invalidity contentions. During that meet and confer Apple indicated it might be willing not to oppose Motorola's motion for leave to serve supplemental invalidity contentions with respect to the prior art produced from the Apple Netherlands litigation.

18. On December 23, 2011, Cathleen Garrigan, counsel for Motorola and Jill Ho, counsel for Apple, conferred regarding Motorola's supplemental invalidity contentions. Apple stated that it would oppose Motorola's motion for leave to serve supplemental invalidity contentions, including the prior art from Apple Netherlands litigation. One of the bases for Apple's opposition was that it was allegedly unaware of the prior art from the Apple Netherlands litigation until August 3, 2011.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of December, 2011 at Philadelphia, Pennsylvania.



Cathleen G. Garrigan