

## **Exhibit C**

**Ho, Jill**

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**From:** Cathleen Garrigan <cathleengarrigan@quinnemanuel.com>  
**Sent:** Thursday, December 08, 2011 10:30 AM  
**To:** Ho, Jill; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com; emullins@astidavis.com  
**Subject:** RE: Motorola v. Apple (SDFL): Supplemental Preliminary Invalidation Contentions

Jill,

Motorola will be seeking leave to amend the scheduling order permit service of its supplemental invalidity contentions. As you know, Apple failed to produce prior art responsive to Motorola's discovery requests until after the deadline for invalidity contentions. In particular, Apple was aware that it was asserting the European counterpart to the '849 patent against Samsung, yet failed to produce the prior art from this litigation until Motorola demanded its production by letter. Additionally, at the technical tutorial, counsel for Apple represented to the Court that the '646 and '116 patents claim "Plug and Play." This was the first time Apple asserted that the '646 and '116 patents claim Plug and Play. Lastly, in the Western District of Wisconsin case, Apple supplemented its invalidity contentions in August 2011 under similar circumstances. Given that Apple's late production of documents and new assertions at the technical tutorial provide good cause to amend the scheduling order, please let us know if Apple will oppose such a motion.

Additionally, Apple's reply in support of its motion to strike (Docket No. 197) seeks to distinguish the Wisconsin "infringement contentions" as not requiring claim-by-claim infringement analyses. But Apple admits that the March 4, 2011 deadline in the Wisconsin case was the deadline by which the parties had to disclose accused products. Apple's March 4 contentions did not include Droid 3, Droid X2, Milestone, Photon, Spice, Titanium, Triumph, and XPRT. Yet, Apple seeks to pursue these same products as indicated by the addition of XPRT and Titanium in its May 24 infringement contentions and the addition of Droid 3, Droid X2, Milestone, Photon, Spice and Triumph in its September 15 expert reports (incorporated by reference into its Third Supplemental Response to Interrogatory No. 6). By Apple's own admission the addition of these newly accused products violates the Court's March 4, 2011 deadline. Please confirm that Apple will strike the newly-accused products from its interrogatory responses, expert reports and infringement contentions.

Best,  
Cathleen

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**From:** Ho, Jill [mailto:jill.ho@weil.com]  
**Sent:** Tuesday, December 06, 2011 9:17 AM  
**To:** Cathleen Garrigan; John Duchemin; emullins@astidavis.com; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com  
**Subject:** RE: Motorola v. Apple (SDFL): Supplemental Preliminary Invalidation Contentions

Hi Cathleen,

Please let me know if Motorola will withdraw its supplemental invalidity contentions, particularly in light of the Court's order granting Apple's motion to strike that just issued.

Best regards,  
Jill

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**From:** Cathleen Garrigan [mailto:cathleengarrigan@quinnemanuel.com]  
**Sent:** Wednesday, November 30, 2011 3:44 PM  
**To:** Ho, Jill; John Duchemin; AppleCov; Apple Moto Weil  
**Cc:** Moto-Apple-SDFL; emullins@astidavis.com  
**Subject:** RE: Motorola v. Apple (SDFL): Supplemental Preliminary Invalidation Contentions

Jill,

We would like to meet and confer regarding Apple's position on this issue. Please let us know if you are available to meet and confer tomorrow at 2pm pacific.

Best,  
Cathleen

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**From:** Ho, Jill [mailto:jill.ho@weil.com]  
**Sent:** Wednesday, November 30, 2011 12:45 PM  
**To:** John Duchemin; AppleCov; Apple Moto Weil  
**Cc:** Moto-Apple-SDFL  
**Subject:** RE: Motorola v. Apple (SDFL): Supplemental Preliminary Invalidation Contentions

Hi John,

Our position, as we've stated repeatedly, is that unless and until the Court rules otherwise, the current deadlines concerning contentions govern. Please withdraw your supplemental invalidity contentions.

Best regards,  
Jill



Jill Ho

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**From:** John Duchemin [mailto:johnduchemin@quinnemanuel.com]  
**Sent:** Wednesday, November 30, 2011 11:48 AM  
**To:** AppleCov; Apple Moto Weil  
**Cc:** Moto-Apple-SDFL  
**Subject:** Motorola v. Apple (SDFL): Supplemental Preliminary Invalidation Contentions

Counsel,

Attached are Motorola's Supplemental Preliminary Invalidation Contentions including Supplemental Exhibits D, E and F. The supplemental invalidity contentions are served in response to ongoing discovery, including but not limited to Apple's late production of prior art from its litigation against Samsung in the Netherlands and positions that Apple first revealed at the technical tutorial and Markman hearings regarding the alleged inventions disclosed in the '116 and '646 patents.

Given Apple's position regarding infringement contentions, please let us know by close of business tomorrow if Apple contends that, despite the fact that its own June 20 invalidity contentions served after the Court's June 1 Order reserved Apple's right to supplement its invalidity contentions in light of the continuing discovery process, the June 20 were intended to be "final contentions," or if it intends to seek to strike these supplemental contentions.

Regards,  
John

**John Duchemin**  
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Quinn Emanuel Urquhart & Sullivan, LLP

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