

**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
REPLY IN SUPPORT OF ITS MOTION TO AMEND THE PROCEDURAL SCHEDULE
TO SERVE SUPPLEMENTAL INVALIDITY CONTENTIONS**

I, Cathleen G. Garrigan, declare:

1. 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.

2. Attached hereto as Exhibit O is a true and correct copy of Apple's Motion to Supplement its Notice of Prior Art to Add an Omitted Reference Against the '223 Patent filed on May 4, 2011, in the International Trade Commission Investigation styled, *Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computer and Components Thereof*, 337-TA-745.

3. Attached hereto as Exhibit P is a true and correct copy of the Neonode "Welcome to the N1 Guide" produced by Apple as FL-Apple0100916-57.

4. Attached hereto as Exhibit Q is a true and correct copy of the Declaration Under 37 C.F.R. § 1.131 filed in U.S. Patent Application No. 08/119,367, from which U.S. Patent No. 7,100,185 claims priority. The declaration was produced by Rovi Corporation as R000118-47.

5. Attached hereto as Exhibit R is a true and correct copy of Apple's January 23, 2012 subpoena to Rovi Corporation.

6. On December 23, 2011, Cathleen Garrigan, counsel for Motorola, and Jill Ho, counsel for Apple, conferred regarding Motorola's supplemental invalidity contentions. During this call, Apple stated that it was allegedly unaware of the prior art from the *Apple, Inc. v. Samsung Electronics. Co., Ltd., et al.* litigation taking place in the Netherlands until August 3, 2011. Thus, Apple was in possession of the documents from the Netherlands litigation for at least six weeks before they were produced in response to Motorola's letter.

7. On December 2, 2011, Motorola served a subpoena on Neonode, Inc. On December 29, 2011, Neonode responded to the subpoena and produced documents. Motorola and Neonode are in the process of scheduling a deposition of Neonode.

8. On December 15, 2011, Motorola served a subpoena on Rovi Corporation. On January 12, 2012, Rovi responded to that subpoena and produced documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27th day of January 2012 at San Francisco, California.

A handwritten signature in blue ink, appearing to read 'Cathleen G. Garrigan', written over a horizontal line.

Cathleen G. Garrigan