

# EXHIBIT H

**Ho, Jill**

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**From:** Benyacar, David <DBenyacar@kayescholer.com>  
**Sent:** Wednesday, November 30, 2011 4:56 PM  
**To:** Ho, Jill  
**Cc:** Reisner, Daniel  
**Subject:** RE: Subpoena to Time Warner Cable (1:10cv023580)

Jill: This will confirm the agreement we reached today regarding the above-identified subpoena. You said that because Motorola has become more cooperative in discovery, Apple agreed that non-party Time Warner Cable ("TWC") could defer any action relating to the subpoena until such time as Apple determines whether party Motorola will produce the information Apple needs. Thus, while the subpoena will remain outstanding, all of TWC's dates relating to the subpoena, including its dates to respond to, object to and comply with the subpoena, are postponed indefinitely.

If, after taking discovery from Motorola, Apple believes there is still information it needs from TWC, you will contact me and, if necessary, ask that new dates for TWC action relating to the subpoena be set. Both Apple and TWC otherwise reserve all rights.

Thank you for your cooperation.

- Dave

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**From:** Ho, Jill [mailto:jill.ho@weil.com]  
**Sent:** Wednesday, November 16, 2011 12:14 PM  
**To:** Benyacar, David  
**Cc:** Reisner, Daniel  
**Subject:** Re: Subpoena to Time Warner Cable (1:10cv023580)

That is fine. Thanks, David.

Best regards,  
Jill

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**From:** Benyacar, David [mailto:DBenyacar@kayescholer.com]  
**Sent:** Wednesday, November 16, 2011 12:09 PM  
**To:** Ho, Jill  
**Cc:** Reisner, Daniel <DReisner@kayescholer.com>  
**Subject:** Subpoena to Time Warner Cable (1:10cv023580)

Dear Ms. Ho:

Further to the voicemail message I left you yesterday, we represent Time Warner Cable ("TWC") with respect to the non-party subpoena served on it by Apple Inc. in Case No. 1:10cv023580. TWC would like more time to evaluate the subpoena, set forth its objections and ascertain what, if anything, TWC can produce responsive to the requests.

We propose to provide you with complete objections to the subpoena by December 16. Those objections will set forth the types of documents, if any, that TWC will search for and produce. We can discuss at that time whether a deposition is appropriate or necessary. For now, and to preserve the record, we advise you that we object to the subpoena at least on the grounds that it is overly broad and unduly burdensome, seeks privileged information, is vague and ambiguous, provides insufficient time for compliance, and seeks information that can and should be obtained directly from Motorola.

I would appreciate it if you would reply to this email confirming that this is acceptable. Because I am out of the office today, please copy Dan Reisner, who is cc'd on this email, on your reply.

Thank you.

**David S. Benyacar**  
KAYE SCHOLER LLP

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