

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

**Case No. 1:10-cv-023580-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 DAVID M. ELIHU IN SUPPORT OF MOTOROLA'S  
OPPOSITION TO APPLE'S MOTION TO COMPEL RESPONSES TO  
INTERROGATORIES REGARDING SET-TOP BOX PATENTS (NOS. 19-22)**

I, David M. Elihu, declare:

I am a member of the bar of the State of New York, 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 1 is a true and correct copy of a November 18, 2011 letter from Brian L. Ferrall, counsel to Comcast Corporation, to Jill J. Ho, counsel to Apple Inc. ("Apple").

2. Attached hereto as Exhibit 2 is a true and correct copy of Apple's Notice of Service of Subpoenas, received on November 21, 2011. This document purports to "give[] notice that amended subpoenas to appear for testimony and for the production of documents to Suddenlink Communications, Cox Communications, Charter Communications, and Bright House Networks are being sent out for service."

3. Attached hereto as Exhibit 3 is a true and correct copy of a January 5, 2012 letter from Marshall Searcy, counsel to Motorola, to Jill Ho and Christine Haskett, counsel to Apple.

4. Attached hereto as Exhibit 4 is a true and correct copy of Motorola Mobility's First Supplemental Responses to Apple's Third Set of Interrogatories to Motorola Mobility and Motorola (Nos. 16-22), served January 17, 2012.

5. Attached hereto as Exhibit 5 is a true and correct copy of an email chain between Apple and Motorola including a November 28, 2011 email from Jill Ho, counsel to Apple, to Ben Quarmby and David Perlson, counsel to Motorola.

6. Attached hereto as Exhibit 6 is a true and correct copy of an email chain between Apple and Motorola including a January 18, 2012 email from John Duchemin, counsel to Motorola, to Jason Lang, counsel to Apple.

7. Attached hereto as Exhibit 7 is a true and correct copy of a January 31, 2012 email from John Duchemin, counsel to Motorola, to Jason Lang, counsel to Apple.

8. Attached hereto as Exhibit 8 is a true and correct copy of a February 1, 2012 production letter from Amanda Williamson, counsel to Motorola, to Elizabeth Weiswasser, counsel to Apple.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 6th day of February 2012 in New York, New York.



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David M. Elihu