

**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 NOS. 7 AND 12  
REGARDING PRODUCTS EMBODYING MOTOROLA'S ASSERTED PATENTS**

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 A is a true and correct copy of excerpts from Motorola Mobility, Inc.'s Responses to Apple's First Set of Interrogatories, dated January 31, 2011.

2. Attached hereto as Exhibit B is a true and correct copy of Apple's Opposition to Kodak's Motion to Compel Documents and Source Code, filed in *Eastman Kodak Co. v. Apple Inc.*, Dkt. No. 84, No. 6:10-cv-06022-MAT-JWF (W.D.N.Y.) and dated May 20, 2011.

3. Attached hereto as Exhibit C is a true and correct copy of an email exchange between Elena DiMuzio, counsel for Apple, and Marshall Searcy, counsel for Motorola, dated January 19, 2012.

4. Attached hereto as Exhibit D is a true and correct copy of a print out of the webpage "Leader Company Information—Company Overview" available at <http://www.leader.com/companyinformation.htm> (as visited February 6, 2012).

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.



David M. Elihu