

EXHIBIT B

Lang, Jason

From: John Duchemin <johnduchemin@quinnemanuel.com>
Sent: Tuesday, February 07, 2012 11:43 PM
To: Lang, Jason; 'AppleCov@cov.com'; Apple Moto Weil
Cc: Moto-Apple-SDFL
Subject: RE: Motorola-Apple (Florida): Apple's production requests

Jason, to address your questions:

Motorola is in the process of producing, to the extent it is available to Motorola, information on the brand and version number of interactive programming guides that are eventually installed on accused set-top boxes that Motorola sells to Time Warner. There is no inconsistency here: Motorola provides information regarding the identity of interactive programming guides that are installed onto certain of the accused set-top boxes, but Motorola does not and has not sold accused set-top boxes in the United States that include a programming guide. The installation of IPGs occurs post-sale, after the accused set-top boxes are received by Motorola's customers.

Motorola also will produce, to the extent it exists and is available to Motorola, similar information for Comcast, Verizon, Cablevision, Suddenlink, Charter Communications, Cox Communications, and Mediacom.

Best regards,
John

John Duchemin
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From: Lang, Jason [mailto:Jason.Lang@weil.com]
Sent: Monday, February 06, 2012 6:26 PM
To: John Duchemin; 'AppleCov@cov.com'; Apple Moto Weil
Cc: Moto-Apple-SDFL
Subject: RE: Motorola-Apple (Florida): Apple's production requests

Counsel,

I've been in discussions with David Benyacar who represents Time Warner and BrightHouse in regards to the third-party subpoenas that Apple served on Time Warner and BrightHouse relating to the Motorola Accused Set-Top Boxes. David informed me that Motorola is in possession of responsive information relating to what IPGs (brand and version) are installed on the Motorola Accused Set-Top Boxes and how those IPGs are installed on the respective boxes. This is consistent with earlier representations that Motorola made to Apple, but is inconsistent with Motorola's answers to Apple's interrogatories and with statements that Motorola made during meet and confers. Please confirm that Motorola will be providing this information for Motorola Accused Set-Top Boxes that are sold to Time Warner and

BrightHouse, namely, what IPGs are installed on the Motorola Accused Set-Top boxes (for each accused device, the brand and version of the IPG), the number of each Accused Motorola Set-Top Box that is sold to the respective entities, and how those IPGs are installed on the respective boxes.

Also confirm whether Motorola will be providing this information for Comcast, Verizon, Cablevision, Suddenlink, Charter Communications, Cox Communications, Mediacom, and other cable providers that sell, lease, or otherwise provide the Motorola Accused Set-Top Boxes.

Thanks, Jason



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From: Lang, Jason
Sent: Thursday, February 02, 2012 4:43 PM
To: 'John Duchemin'; 'AppleCov@cov.com'; Apple Moto Weil
Cc: Moto-Apple-SDFL
Subject: RE: Motorola-Apple (Florida): Apple's production requests

Hi John,

Thank you for the response below. I write to address the issue of executable IPG code and to provide some clarification that may assist the below ongoing production.

With respect to the TV guide code, as I said in my January 24th email to you, we feel that such code is responsive to long-pending document requests. And we would expect that given that it was in Motorola's possession, it would have been used with Motorola STBs, triggering a substantive response to interrogatory 20. As to its relevance, our infringement contentions specifically allege that Motorola directly infringes through testing, developing, and using its STBs with IPG code. Those contentions show that the execution of this code may directly infringe the method claims of the STB patents. Accordingly, the fact that such executable code is in Motorola's possession is highly relevant to at least Apple's direct infringement claims.

We thus ask that you provide a log of the executable IPG code that was and that is in Motorola's possession. It appears now that your basis for refusing to produce this code is that it is immune from discovery due to "strict confidential provisions." Please comply with the instructions from Apple's Request for Production that request that you provide information about what documents and things you allege are immune from discovery (see Instruction 4 of Apple's 12/29/10 Request for Production). Of course, FRCP 34 also requires that you state such objections. The log should provide the name of each executable code (versions and brand), who had access to it, etc., as the instruction specifies.

Please provide this information by February 10th to enable Apple to assess other avenues of obtaining this code and corresponding source code.

With respect to a point of clarification that may assist Motorola's supplement production efforts, we are not seeking "tens of thousands of agreements" that are either irrelevant or duplicative, and our requests are not overbroad. Apple's document requests cover agreements relating to the accused Motorola STBs. To the extent that Motorola has tens of

thousands of such agreements, these agreements are highly relevant to Apple's direct and indirect infringement allegations – these agreements cover, e.g., the direct sale of accused products and testing agreements with IPG makers that reflect direct and indirect infringement. If such a voluminous number of these agreements exist, this just means that there is voluminous infringing activity. Motorola cannot use its voluminous amount of infringing activities against Apple. As always, I am available by phone to discuss if that will assist.

Thanks for producing the supplemental production in a rolling manner given the fast approaching fact discovery cutoff and expert report deadline.

Thanks, Jason



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From: John Duchemin [mailto:johnduchemin@quinnemanuel.com]

Sent: Tuesday, January 31, 2012 7:47 PM

To: 'AppleCov@cov.com'; Apple Moto Weil

Cc: Moto-Apple-SDFL

Subject: Motorola-Apple (Florida): Apple's production requests

Jason,

I write to respond to various questions you have posed in written communications about Motorola's production.

1. You ask about documents bearing the specification code 365-095-xxxx. That specification code is used on tens of thousands of Motorola documents, most of which are irrelevant to the present case. It would be unduly burdensome for Motorola to produce every single one of these documents. However, we are preparing to produce those documents that you specifically requested, namely, any relevant and non-privileged documents bearing that specification code prefix that are referred to in documents already produced by Motorola. Production of these documents is ongoing and should be complete by Wednesday, February 8.
2. You requested that Motorola provide Apple with agreements with third-party cable providers and programming guide makers. As previously explained, Apple's request is extremely broad, as Motorola has tens of thousands of agreements with customers and providers. However, Motorola is in the process of compiling, reviewing and analyzing these documents and producing those responsive to Apple's production requests. Production is ongoing and will be completed on a rolling basis. However, our goal is to get any responsive documents produced to you no later than Wednesday, February 15.
3. You requested that Motorola provide Apple with additional documentation related to testing of third-party interactive programming guides, including documentation related to the Acadia Application Integration Center and to an extranet site shared by Comcast and Motorola. Again, production is ongoing and will be completed on a rolling basis. A set of approximately 120 documents related to this subject is currently in production and should arrive at Apple soon.

4. You requested that Motorola provide Apple with documentation related to the infrared functionality of its set-top boxes. An additional set of Motorola documents relating to infrared functionality is currently in production and should arrive at Apple soon.

5. You have asked for Motorola to make available third-party interactive programming guide source code in its possession. As stated in previous correspondence and meet-and-confers, Motorola does not possess and has not possessed any such source code. In later correspondence, you have also broadened this request to ask for any third-party interactive programming guide “software” in Motorola’s possession, including executable files. This vague request is overbroad and unduly burdensome in that it seeks to have Motorola produce third-party software, bound by strict confidentiality provisions, that is entirely unnecessary for Apple to prove its case.

Please bear in mind that production is ongoing, that Motorola reserves all of its objections to Apple’s discovery requests, and that Motorola also reserves the right to collect and produce subsequent to the above dates.

Best regards,
John

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