

EXHIBIT D

Lang, Jason

From: John Duchemin <johnduchemin@quinnemanuel.com>
Sent: Wednesday, February 08, 2012 4:37 PM
To: John Duchemin
Subject: FW: E-mail from Apple to Time Warner counsel
Attachments: Amended Exhibit A to TWC Subpoena.pdf

[HEADER INFORMATION REDACTED]

From: Mehra, Arjun [mailto:Arjun.Mehra@weil.com]
Sent: Tuesday, January 24, 2012 12:09 AM
To: Benyacar, David
Cc: Lang, Jason
Subject: Motorola Mobility, Inc. v. Apple, Inc., Case No. 1:10cv023580 (S.D. Fla.)

Mr. Benyacar,

Thank you for speaking with me today about Apple's subpoena to Time Warner Cable in the Apple-Motorola matter. As I mentioned, Apple is seeking information on the interactive programming guide (IPG) that operates with the Motorola set-top boxes (STBs) offered by Time Warner Cable to its customers. Despite earlier assurances to the contrary, Motorola has failed to produce this information itself. Thus, we greatly appreciate Time Warner Cable's cooperation in obtaining this discovery.

In an effort to reduce the burden of production on Time Warner Cable, Apple has narrowed the scope of its subpoena. Please see the attachment for an updated exhibit to the subpoena, including narrower topics for deposition and corresponding categories of documents to be produced. To the extent that it facilitates Time Warner Cable's response, Apple is particularly interested in obtaining discovery on the following topics, dating back to October 6, 2004:

- Which IPGs are installed on the Motorola STBs offered by Time Warner Cable to its customers (i.e., the name of the IPG, such as TV-Guide, Passport, Aptiv, as well as the version number)?
- Who installs the IPGs on these STBs, and how do they get installed?
- How much does Time Warner Cable pay for these IPGs, and to whom do they make the payments?

Due to the fast approaching cutoff for fact discovery, we are hoping that we can work together to address any objections or provide any necessary clarification for the deposition topics and categories of documents within two weeks, with production to be made within three weeks. If Apple believes that a deposition is still necessary after documents have been produced, we propose that such a deposition be held within four weeks wherever is most convenient for you.

Once again, we very much appreciate your time and effort on these responses. Please let me know if I can answer any questions.

Best,
Arjun

Weil

Arjun H. Mehra

Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065-1134
arjun.mehra@weil.com
+1 650 802 3915 Direct
+1 650 802 3100 Fax

The information contained in this email message is intended only for use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by email, postmaster@weil.com, and destroy the original message. Thank you.