EXHIBIT W

From: Matt Korhonen <mattkorhonen@quinnemanuel.com>
Sent: Tuesday, February 28, 2012 11:51 AM
To: Schmidt, Jill
Cc: Moto-Apple-SDFL; 'AppleCov'; Apple Moto Weil
Subject: RE: Motorola v. Apple

Hi Jill,

Motorola designated Ms. Deardorff's prior testimony for Topic Nos. 8-10. In your response, you objected to this testimony as to Topic Nos. 8-9, but not Topic 10. Despite your critique of the message I previously attached, the fact remains that Apple did not object to this designation during our meet and confers or in any subsequent communication regarding Ms. Deardorff's designations and deposition, and accordingly, any objections you may have had have been waived. My colleague, Amanda Williamson, has been the primary contact person regarding the Topics for which Ms. Deardorff, and her previous testimony, have been designated. During Friday's call, which you mischaracterize in your email below, I reiterated that Ms. Williamson was in deposition, but that I would look into your concerns. Once Ms. Williamson became available, we investigated your concerns further and concluded that they were unfounded.

During our call on Friday, I did not tell you that Motorola would not be calling other witnesses from its initial disclosures, other than Messrs. Robinson and Rementilla. I said that we might be calling those two individuals (I provided you with dates on Friday) and that I would follow up with my team and my client to determine whether we might be calling others. Once I can confirm that Motorola does not intend to call other witnesses under its control who are listed in its initial disclosures and have not already been offered for deposition, I will let you know.

With respect to Apple's effort to depose Chuck Supinski, Joe Murray, Mike DiFiglia, Lou Fodor, Nathan Mengel, and Scott Sellers, Motorola continues to object to those depositions as unreasonable, overbroad, and highly burdensome. Throughout the discovery process, Motorola has done its best comply with reasonable requests for discovery and we will continue to do so. Apple's demand, however, to depose 6 individual witnesses is not justified based on the total of 11 total documents that Apple has cited. For example, your colleague, Jason Lang, demanded the deposition of Mike DiFiglia on the basis of two documents. In support of the deposition of Nathan Mengel, he failed to cite to any documents. It would be inefficient and wasteful to depose those witness on the basis of so few documents, when Motorola has designated a 30(b)(6) witness, Mr. Groat, to testify on the same subject matter. As I clearly explained during our call, Mr. Groat is still (and has always been) available to be deposed on February 28, 2012 and he will be prepared on the substance of the documents you have cited. You may ask him about them at that time.

I apologize for the recent changes with respect to Mr. Prezuhy's deposition. With so many witnesses at issue, scheduling issues are bound to arise, and both Motorola and Apple have cancelled or moved depositions multiple times as a result of those issues. With respect to the timing of Mr. Rementilla's deposition, he simply is not available to be deposed prior to March 16.

Best,
Matt

From: Schmidt, Jill [mailto:jill.schmidt@weil.com]
Sent: Saturday, February 25, 2012 11:35 AM
To: Matt Korhonen
Cc: Moto-Apple-SDFL; AppleCov; Apple Moto Weil
Subject: RE: Motorola v. Apple

Hi Matt,

Nothing in the attached message suggests that Apple agreed that Motorola's designation of prior testimony for Topic 10 was sufficient. On the contrary, that February 1 email from me to Amanda Williamson expressly states our position that Motorola was still obligated to designate a 30(b)(6) witness with regard to any accused Motorola products that were not at issue in the ITC actions (and therefore not addressed by prior testimony). Moreover, in our subsequent telephone conversations, we made clear to you and your colleague Ms. Williamson that we were expecting further designations for Topics 8, 9 and 10. Moreover, your offer to "look into" whether Motorola would be willing to designate Ms. Deardorff for Topic 10 when we met and conferred yesterday morning at 8:30am PT hardly resolves the issue. As I pointed out on the call, the deposition of Ms. Deardorff (which happened yesterday in Chicago) had already begun and Motorola's last-minute designation was improper. In any event, your characterization of Ms. Deardorff's deposition testimony is incorrect. Ms. Deardorff was asked only one question that even arguably concerned supplier agreements and the defending attorney objected on the basis that it was outside the scope of Ms. Deardorff's 30(b)(6) designation. *See* Rough Tr. at 81:2-17. Please designate another witness for Topic 10 promptly. In addition, we are still waiting for Motorola's designations for Topics 17 and 33. With only three weeks left in the discovery period, Motorola cannot continue to delay.

On our call yesterday morning, you further represented that Motorola did not intend to call any of the individuals listed in its initial disclosures as trial witnesses aside from Larry Robinson and Richard Rementilla. I asked you to confirm this in writing, but you have not yet done so.

Finally, you represented during our meet and confer that it was unnecessary to schedule depositions of the six individuals requested in my email of January 26--Chuck Supinski, Joe Murray, Mike DiFiglia, Lou Fodor, Nathan Mengel, and Scott Sellers--because you were planning to designate Mr. Rementilla and Mr. Robinson in addition to Motorola's designated 30(b)(6) witnesses and we would thereby get all the testimony we needed. You never mentioned that either witness would be designated in lieu of Mr. Groat or Mr. Prezuhy. While we are amenable to substituting the deposition of Mr. Mengel for Mr. Rementilla, Apple was fully cooperative in scheduling depositions of individuals requested by Motorola, including at least Mr. Engber and Mr. Beyers. It is extremely disappointing that Motorola is once again refusing to do the very thing it demands of Apple. Furthermore, it is extremely prejudicial to Apple for Motorola to designate Mr. Rementilla as its 30(b)(6) witness on Topics 2, and 56-58. Apple served its 30(b)(6) notice on June 24, 2011 and specifically requested that Motorola prioritize its designations for Topics 55-62 on December 9, 2011. Motorola did not designate Mr. Prezuhy until January 20 and, even then, offered a deposition date that was over a month later, on February 22. Even when we asked you for earlier dates (*see* my emails of January 20, January 23, and January 27), you stated that February 22 was the earliest date that would work. On February 17, less than a week before Mr. Prezuhy's deposition was scheduled to proceed, Motorola rescheduled it for March 1. Now, you are cancelling his deposition entirely and offering Motorola's 30(b)(6) witness on the accused set-top boxes for deposition on the last day of fact discovery and the same day opening expert reports are due. While Apple would have been willing to defer scheduling of depositions for Mr. Supinski, Mr. Murray, Mr. DiFiglia, Mr. Fodor, and Mr. Sellers until after Mr. Prezuhy's deposition on March 1, it is no longer feasible to wait until after the 30(b)(6) deposition has occurred.

Motorola's delays and failure to provide witnesses has and continues to prejudice Apple in developing its case. After many requests and meet and confers requesting documents sufficiently in advance of depositions, depositions of relevant witnesses, and depositions on Apple's 30b6 topics, Motorola's refusal to do so at this late date means we are at an impasse. Because of Motorola's delays we are now very close to the discovery deadline and opening expert report deadlines, so Apple is forced to move to compel and seek additional relief from the court as necessary.

Best regards,
Jill

From: Matt Korhonen [mailto:mattkorhonen@quinnemanuel.com]
Sent: Friday, February 24, 2012 3:38 PM

To: Matt Korhonen; Schmidt, Jill
Cc: Moto-Apple-SDFL; AppleCov; Apple Moto Weil
Subject: RE: Motorola v. Apple

The previous correspondence is attached.

Thanks,
Matt

From: Matt Korhonen
Sent: Friday, February 24, 2012 1:59 PM
To: Schmidt, Jill
Cc: Moto-Apple-SDFL; AppleCov; Apple Moto Weil
Subject: Motorola v. Apple

Hi Jill,

During our meet and confer this morning, you stated that Motorola had failed to identify a witness for Topic No. 10 as it relates to the products that Apple accuses of infringing the '849, '646, and '116 Patents. I followed up on this and have determined that Motorola has already complied with its discovery obligations for Topic No. 10 with regard to those products. At least as early as February 1, 2012, Motorola designated Ann Deardorff's prior testimony in satisfaction of Topics 8-10. In response, you indicated that previous testimony was insufficient for Topic Nos. 8 and 9, but not Topic 10 (please see the attached). In addition, you failed to object to our designation of Ms. Deardorff's prior testimony for Topic No. 10 in any of the subsequent meet and confer calls. Accordingly, we believe that any objections to her testimony have already been waived. In any event, despite the prior testimony designation, Apple questioned Ms. Deardorff about supplier agreements again during her deposition today. Motorola's designations were clear, Ms. Deardorff's deposition was today, and we consider this issue resolved.

In addition, Mr. Prezuhy is no longer available for deposition on March 1, 2012. Mr. Richard Rementilla is available on March 16 and will be testifying in both his individual capacity and on the Topics for which Mr. Prezuhy was previously designated. Please confirm this date.

Finally, Mr. Larry Robinson is available for deposition in his individual capacity on March 14, 2012. Please confirm this date as well.

Thanks,

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