

# EXHIBIT B

## Cathleen Garrigan

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**From:** Schmidt, Jill [jill.schmidt@weil.com]  
**Sent:** Monday, March 19, 2012 3:45 PM  
**To:** Cathleen Garrigan; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; 'AppleCov@cov.com'  
**Subject:** RE: Apple/Motorola (FL): motion for leave to file amended answer

Hi Cathleen,

We do not agree that the situations are analogous. First, Apple's infringement theories under 271(f) and other subsections of § 271 were adequately pled by Apple's allegations that the set-top box patents were infringed "directly and indirectly, literally or under the doctrine of equivalents, in violation of 35 U.S.C. § 271 through its use, importation, offer for sale and/or sale of set-top and DVR boxes that provide or operate in conjunction with an interactive Guide (for TV or DVR functions)." See Amended Answer at ¶¶ 185, 191, 197. Our proposed amendments merely add clarifying language to confirm that Apple is asserting infringement under § 271 (a), (b), (c), and/or (f), based on recently discovered information (e.g., spreadsheets produced by Motorola and deposition testimony from Mr. Groat and Mr. Rementilla). We do not accept your proposal below and plan to file a motion to amend our pleading, noting Motorola's opposition.

Best regards,  
Jill

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**From:** Cathleen Garrigan [mailto:cathleengarrigan@quinnemanuel.com]  
**Sent:** Wednesday, March 14, 2012 1:44 PM  
**To:** Schmidt, Jill; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; 'AppleCov@cov.com'  
**Subject:** RE: Apple/Motorola (FL): motion for leave to file amended answer

Jill,

We've reviewed Apple's proposed amended pleading. Apple appears to be raising a brand new section 271(f) theory, not just additional details regarding disclosed theories as you suggested previously. This appears to us as inconsistent with Apple's successful motion to strike our supplemental infringement contentions. That said, Motorola will agree not to oppose Apple's motion to amend its answer provided that Apple agrees not to oppose a motion by Motorola to supplement its infringement contentions to add the products that Apple successfully precluded in its motion to strike Motorola's supplemental infringement contentions (and promptly provide the discovery it has been previously withholding and/or has refused to provide as to these products).

Best,  
Cathleen

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**From:** Schmidt, Jill [mailto:jill.schmidt@weil.com]  
**Sent:** Tuesday, March 13, 2012 8:37 PM  
**To:** Cathleen Garrigan; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com  
**Subject:** RE: Apple/Motorola (FL): motion for leave to file amended answer

Hi Cathleen,

Please let us know whether Motorola intends to oppose Apple's motion to file an amended pleading.

Thanks,  
Jill

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**From:** Schmidt, Jill  
**Sent:** Monday, March 12, 2012 8:44 PM  
**To:** 'Cathleen Garrigan'; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com  
**Subject:** RE: Apple/Motorola (FL): motion for leave to file amended answer

Counsel,

Please see the attached redline.

Best regards,  
Jill

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**From:** Cathleen Garrigan [mailto:cathleengarrigan@quinnemanuel.com]  
**Sent:** Monday, March 12, 2012 5:50 PM  
**To:** Schmidt, Jill; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com  
**Subject:** RE: Apple/Motorola (FL): motion for leave to file amended answer

Jill,

It is not clear to us what you are referring to. Please send us a redline.

Best,  
Cathleen

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**From:** Schmidt, Jill [mailto:jill.schmidt@weil.com]  
**Sent:** Monday, March 12, 2012 1:53 PM  
**To:** Cathleen Garrigan; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com  
**Subject:** RE: Apple/Motorola (FL): motion for leave to file amended answer

Hi Cathleen,

The language we intend to use for our amended answer will be identical to the language used in our answer to Motorola's complaint in the second FL action, which was filed earlier today.

Best regards,  
Jill

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**From:** Cathleen Garrigan [mailto:cathleengarrigan@quinnemanuel.com]  
**Sent:** Friday, March 09, 2012 12:15 PM  
**To:** Schmidt, Jill; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com  
**Subject:** RE: Apple/Motorola (FL): motion for leave to file amended answer

Jill,

In order to evaluate Apple's request, we will need to see Apple's proposed amended answer. Additionally, our team is traveling today so it will not be possible for us to review the proposed amended answer by the close of business today.

Best,  
Cathleen

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**From:** Schmidt, Jill [mailto:jill.schmidt@weil.com]  
**Sent:** Friday, March 09, 2012 9:53 AM  
**To:** Cathleen Garrigan; Moto-Apple-SDFL  
**Cc:** Weil\_TLG Apple Moto FL External; AppleCov@cov.com  
**Subject:** Apple/Motorola (FL): motion for leave to file amended answer

Hi Cathleen,

As we discussed the other day, Apple is contemplating amending its answer to provide more specific details regarding its indirect infringement theories. Please let me know by COB today whether Motorola will oppose our motion for leave to file an amended pleading.

Best regards,  
Jill



**Jill Schmidt (née Ho)**

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