EXHIBIT B

From: Cappella, Anne
Sent: Wednesday, March 21, 2012 3:23 PM
To: davidperlson@quinnemanuel.com
Cc: marshallsearcy@quinnemanuel.com; Davis, Mark; Schmidt, Jill
Subject: Proposed Florida Schedule

David and Marshall,
Mark Davis asked me to respond to the email you sent to him last night since he is traveling.

If the only remaining discovery concerned our subpoena to Rovi, an additional month may have been sufficient. Unfortunately, that is far from the case.

As we mentioned at the hearing, an amendment to your invalidity contentions will require more than a sole Neonode deposition and Rovi's compliance with Apple's subpoena. For one, given that the '185 reference is not prior art on its face, Apple will have to locate and depose the inventors of the '185 patent about what they invented, when they invented it, and about any relevant documentation that allegedly corroborates the earlier invention date. Apple may also have to depose additional individuals who worked with or who are relied on by Motorola to otherwise corroborate the inventors' testimony. Further, Apple will need to obtain and thereafter conduct an extensive review of any documentation allegedly corroborating the inventors' statements. On top of all this, it will require additional time if these third-parties do not voluntarily provide Apple the discovery it needs. This process alone will require more than one month to complete.

Second, despite Apple's request, Motorola still has not provided its invalidity contentions with respect to the '185 reference unless Motorola intends to drop this reference. Only until we receive and evaluate Motorola's contentions for a patent that is not prior art on its face will Apple be able to judge the extent of discovery that will be required. At a minimum, Apple cannot further narrow its claims under the current schedule without Motorola's contentions and further discovery.

Third, Apple will need to conduct further discovery into the first US sales of the Neonode N1 device in order to determine whether it even qualifies as prior art. As neither of Neonode's 30(b)(6) designees was able to state definitively when the first US sales occurred, further depositions may be required.

Fourth, unless Motorola intends to drop the Juels prior art reference against the '849 patent, the depositions of both of these third-party inventors will need to be sought and taken. Again, if they do not appear voluntarily, it will take additional time to compel their depositions.

Fifth, there may be other and currently unforeseen issues that call for additional discovery. For example, Motorola has not yet served its amended invalidity contentions on Apple. If these contentions raise new issues (e.g., other Neonode references, etc.), Apple will certainly need to take all of the appropriate steps to explore those matters. This would involve further time and effort to locate documents and witnesses, review documents, and depose witnesses.

Sixth, there are many outstanding 30b6 topics and missing document production that has been and is just now coming to light. Motorola delayed in providing STB witness until the end of February (and has only provided 3 total witnesses thus far). It is during these depositions that Apple has learned that Motorola has failed to produce a significant number of relevant documents. Further, Apple continues to learn through discussions with third party IPG maker Rovi and cable service providers of additional documents in Motorola's possession it failed to produce. For example, Rovi stated that it has thousands of communications with Motorola, which Apple has not been able to locate in Motorola's production.

Invalidity contentions aside, there are other reasons that justify our proposed extension. Apple is still pursuing much-needed discovery from uncooperative third-parties. For example, despite serving Rovi with a subpoena back in January, Rovi has not agreed to put up witnesses for deposition until just this week. Rovi has also finally agreed to look into and produce certain documents Apple requested several months ago. We are expecting those documents sometime next week and are in the midst of negotiating deposition dates. If it turns out that Rovi's productions remain deficient, Apple will have to pursue further discovery from Rovi. Of course, Apple is not just seeking third-party discovery from Rovi. Apple also is still in negotiations with various cable providers to produce requested documentation and deposition witnesses. For at least some of these third-parties, it appears that motions to compel will need to be filed. It will take well over a month for the motions to be heard and for those depositions to be ultimately scheduled in the various jurisdictions governing the subpoenas. Motorola's promises to these third parties and Apple to produce documents on their behalf has only contributed to delay this process because: Motorola does not appear to have produced all the documents it promised, Motorola forced Apple to seek the court's intervention to obtain the information, and Motorola engaged in protracted rolling productions of responsive documents.

Further, Apple is still in need of discovery from Motorola. For instance, we are still waiting for Motorola to complete its rolling production of documentation connected to its set-top boxes and Motorola continues to refuse to identify exactly when it will be complete. These documents include agreements with cable providers, US-only sales, global sales, statements of work or amendments to agreements that show the terms and rates for post-sale set-top box related services, bills of materials, documentation of the bootloader running on all the accused set-top boxes, etc. Apple also needs further depositions, including depositions for Mr. Rossi and designees for certain topics that previously-designated Rule 30(b)(6) witnesses were not adequately able to address (see, e.g., Jason Lang's March 9 email to John Duchemin, cc'ing you). While we have addressed the immediate discovery issues known to Apple, other 30b6 topics and discovery from Motorola are yet to be fulfilled by Motorola (see, e.g., Jason Lang's March 21 email to John Duchemin). In addition to the reasons stated above, addressing these discovery matters with Motorola will require an extension of more than a month.

Finally, as Apple made clear to Motorola earlier in the year, one of Apple's trial counsel has a conflict with the current trial schedule, which would not be cured by a one month extension. Apple's proposed schedule would avoid this conflict.

For the sake of efficiency and fairness, we believe our proposed schedule will address our currently anticipated needs and will prevent us from having to go back to court to ask for further extensions of time. If you would like to discuss this further, please do not hesitate to contact Mark Davis or me. If we cannot reach agreement by tomorrow, however, we intend to move the court to implement our proposed schedule.

Thanks,

-Anne

Weil

Anne Cappella

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From: David Perlson <davidperlson@quinnemanuel.com>
Date: March 20, 2012 9:53:48 PM EDT
To: "'Davis, Mark'" <mark.davis@weil.com>
Cc: Marshall Searcy <marshallsearcy@quinnemanuel.com>
Subject: RE: Proposed Florida Schedule

+ Marshall

Mark, as I indicated in the call, we understand what the Court stated regarding granting Apple a reasonable extension of expert and discovery dates to account for the amendment of the invalidity contentions. But the three months or more you propose is unnecessary for that. As we stated at the hearing, the Neonode depo already occurred and Apple already subpoenaed Rovi quite some time ago. Any additional discovery you claim to need should easily be completed within a month of the current schedule. In any event, to date you have not provided us with a particularized showing of what specific additional discovery you need. Please provide us with that information and we will consider whether an extension of more than one month is appropriate.

Further, your email references Apple's refusal to allow the addition of new products in FLA 1. As I stated before, Motorola would be willing to agree to Apple adding its proposed amendment provided that Apple likewise agree to Motorola's amending its infringement contentions with new products. My understanding is that Apple will not agree to this. So the record is clear, however, Motorola would be willing to agree to a longer extension – one closer to the extension you propose – in the event you were to accept Motorola's proposal for bilateral amendment.

Thanks,

David

From: Davis, Mark [mailto:mark.davis@weil.com]
Sent: Tuesday, March 20, 2012 3:03 PM
To: David Perlson
Subject: RE: Proposed Florida Schedule

any thoughts on the proposed extensions?

From: Davis, Mark
Sent: Monday, March 19, 2012 9:13 PM
To: davidperlson@quinnemanuel.com
Subject: Proposed Florida Schedule

David,

Pursuant to our call earlier today, I've attached a new proposed schedule for Florida 1 given the recent developments in that case, including the new invalidity issues and the outstanding Motorola and third party discovery issues. Please let me know if you agree to the proposed extension.

As Jill outlined in her recent email, we also do not agree with Motorola's proposed reasons to combine portions of Florida 2 with Florida 1. The Court already rejected Motorola's attempt to add new products to Florida 1 - which would require the reopening of numerous depositions to deal with new products.

	FL-1 (current)	FL-1 (proposed extension)

Deadline to serve amended invalidity contentions	--	3/26/12
Apple to substantially narrow asserted claims	3/22/12	4/26/12
Close of fact discovery	3/28/12	6/29/12
Opening expert reports	3/30/12	7/13/12
Rebuttal expert reports	4/27/12	8/17/12
Close of expert discovery	5/15/12	8/31/12
Deadline to file dispositive motions	5/18/12	9/7/12
Deadline to file pretrial motions	6/1/12	10/29/12
Deadline to file joint pretrial stipulations / jury instructions	9/13/12	1/11/13
Calendar call	10/16/12	1/22/13
Trial	10/22/12	1/28/13

Thanks,
Mark