

EXHIBIT 5

From: Ben Quarmby <benquarmby@quinnemanuel.com>
Sent: Thursday, December 08, 2011 12:29 PM
To: Ho, Jill; Moto-Apple-SDFL
Cc: Weil_TLG Apple Moto FL External; AppleCov; Marshall Searcy
Subject: RE: Apple/Motorola (FL): 30(b)(6) Topics

Jill –

I write to address a number of outstanding discovery issues.

First, Motorola is now unavailable for the January 5, 2012 deposition of Peter Maresca. Please let us know whether Mr. Maresca is available for a deposition the following week.

Second, Motorola is available for the January 6, 2012 deposition of Mike Engber.

Third, Motorola is available for the January 4 deposition of Robert Schlub, as well as for the January 5, 2012 deposition of Phil Peterson.

Fourth, Apple has not yet indicated whether it would provide a witness to testify as to Motorola's topic Nos. 9, 34, 35, 12, 25, 26, 27, 28, 29, 30, 36, 38, 40, 82, 47, 69, 87, 91 and 92. Please do so as soon as possible.

Fifth, Motorola will require the deposition of Janey Fritsche. Please let us know when Ms. Fritsche is available to be deposed.

Sixth, please let us know when Freddie Anzures and Scott Forstall are available to be deposed in this matter.

Seventh, Motorola now has a conflict for the January 4, 2012 deposition of Brendan Langoulant. Please let us know whether Mr. Langoulant available for a deposition the following week.

Eighth, we are looking into the availability of Gregory Cannon, Anthony Sarli, and Michael Zazzara.

Best regards,

Ben Quarmby

From: Ho, Jill [<mailto:jill.ho@weil.com>]
Sent: Wednesday, December 07, 2011 6:58 PM
To: Ben Quarmby; Moto-Apple-SDFL
Cc: Weil_TLG Apple Moto FL External; 'AppleCov@cov.com'; Marshall Searcy
Subject: RE: Apple/Motorola (FL): 30(b)(6) Topics

Hi Ben/Marshall,

I write to confirm our agreement to mutually withdraw the 30(b)(6) topics listed in the chart below.

<i>Motorola's Notice of</i>	<i>Apple's Notice of</i>
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<i>Deposition of Apple</i>	<i>Deposition of Motorola</i>
Topics 14, 15, 32	Topic 20, 46
Topics 88, 89	Topic 53
Topic 93	Topic 45
Topic 95	Topic 64

With regard to the topics below, we need to double-check the modifications you've proposed and will get back to you shortly.

<i>Motorola's Notice of Deposition of Apple</i>	<i>Apple's Notice of Deposition of Motorola</i>
Topics 13	Topics 28, 29
Topics 19	Topics 50, 51

Finally, I understand you are investigating whether Motorola will agree to drop these 30(b)(6) topics.

<i>Motorola's Notice of Deposition of Apple</i>	<i>Apple's Notice of Deposition of Motorola</i>
Topic 53	Topic 63

With regard to deposition scheduling, you confirmed that you will proceed with the depositions of Rob Schlub on Wednesday, January 4, Peter Maresca on Thursday, January 5, and Mike Engber on Friday, January 6. Mr. Engber would like to start his deposition at 9:30am.

You asked for alternative deposition dates for Brendan Langoulant and Phil Peterson. Per Christine's email, Messrs. Langoulant and Peterson are available for deposition on Wednesday, January 4 and Friday, January 6, respectively. In addition, Freddy Anzures will be available for his deposition on Friday, January 13. Please let us know as soon as possible whether those dates work for your team.

We are waiting for you to offer an alternative date for Carrie Cardella, as well as deposition dates for Mitch Hansen, Anthony Sarli, Gregory Cannon, and Michael Zazzara.

Please let me know immediately if you believe I have not accurately memorialized our discussion.

Best regards,
Jill



Jill Ho

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From: Ben Quarmby [<mailto:benquarmby@quinnemanuel.com>]
Sent: Tuesday, December 06, 2011 11:53 AM

To: Ho, Jill; Moto-Apple-SDFL
Cc: Weil_TLG Apple Moto FL External; 'AppleCov@cov.com'; Marshall Searcy
Subject: RE: Apple/Motorola (FL): 30(b)(6) Topics

Jill –

I write in response to your November 30, 2011 email. Motorola will consider an agreement with Apple regarding the parties' mutual withdrawal of the 30(b)(6) deposition topics set forth in the table below. Please note that the chart below includes a limited number of modifications from the table you sent to us.

<i>Motorola's Notice of Deposition of Apple</i>	<i>Apple's Notice of Deposition of Motorola</i>
Topics 14, 15, 32	Topic 20, 46
Topics 13	Topics 28, 29
Topics 88, 89	Topic 53
Topic 93	Topic 45
Topic 95	Topic 64
Topics 19	Topics 50, 51

Please us know whether Apple agrees to withdraw the aforementioned topics.

Best regards,
Ben Quarmby

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