

# **EXHIBIT 14**

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October 16, 2012

**VIA E-MAIL**

Robert T. Vlasik III, Esq.  
Weil, Gotshal & Manges LLP  
1300 Eye Street NW, Suite 900  
Washington, DC 20005-3314

Re: *Motorola Mobility, Inc. v. Apple Inc.*, Consolidated Case Nos. 1:10-cv-23580-RNS and  
1:12-cv-20271-RNS (S.D. Fla.)

Dear Robert:

I write regarding Apple's motion to amend the procedural schedule, which Apple filed shortly before midnight on Thursday, October 11. As you know, the parties were in the middle of negotiating toward a mutually agreeable schedule for claim construction briefing when Apple filed its motion. We do not understand why Apple filed a motion on claim the claim construction briefing schedule without meeting and conferring with Motorola regarding the limited disagreement between the parties regarding that schedule, or even waiting for us to respond to your most recent email, as we informed you we would. Your motion will simply waste the time and resources of the Court. Apple should therefore withdraw its motion with respect to the claim construction briefing schedule and the parties should submit an agreed motion on claim construction briefing.

Motorola initiated discussions relating to the claim construction briefing schedule in an effort to determine a schedule that would work for both parties without involving the Court, a schedule that would enable both parties to understand each other's positions going into the briefing

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process so that claim construction briefing would be as helpful to the court as possible. On September 14, 2012, Motorola provided Apple with an initial proposed schedule. Apple then responded on September 24 with several proposed changes. On October 9, Motorola replied to Apple's proposal, agreeing to several of Apple's new dates. The table below from our October 9 email summarizes the parties' three proposals:

<b>Case Event</b>	<b>Motorola Initial Proposed Date</b>	<b>Apple Proposed Date</b>	<b>Motorola Revised Proposed Date</b>
Infringement Contentions	Nov. 7, 2012		
Invalidity Contentions	Dec. 5, 2012		
Non-infringement, Validity, & Secondary Consideration Contentions	Jan. 24, 2013	Jan. 24, 2013	Jan. 24, 2013
Exchange of Terms for Construction	Feb. 12, 2013	February 4, 2013	January 11, 2013
Exchange Proposed Constructions		February 12, 2013	February 12, 2013 (include extrinsic and intrinsic evidence)
File proposed joint claim constructions			March 2, 2013
Opening Markman Brief	Feb. 26, 2013	March 5, 2013	March 5, 2013
First Interim Joint Status Report	Mar. 1, 2013		
Reply Markman Brief	Mar. 26, 2013	Mar. 26, 2013	Mar. 26, 2013
Markman Hearing (2012 claims)	Apr. 26, 2013		
First Mediation Deadline	May 31, 2013		
Fact Discovery Deadline	July 5, 2013		
Opening Expert Report Deadline	Aug. 16, 2013		
Rebuttal Expert Report Deadline	Sept. 6, 2013		
Expert Discovery Deadline	Oct. 4, 2013		
Dispositive Motions Deadline	Nov. 1, 2013		
Second Joint Interim Status Report	Nov. 8, 2013		
Second Mediation Deadline	Nov. 15, 2013		
Pretrial Motions (Motions in Limine/Daubert) Deadline	January 31, 2014		
Pretrial Stipulations and Proposed Jury Instructions Deadline	Mar. 24, 2014		
Calendar Call	Apr. 15, 2014		
Trial Period	Apr. 21, 2014		

As the table shows, Motorola agreed to Apple's proposed dates for the opening *Markman* brief and the exchange of proposed constructions. The only change Motorola made in its latest proposed schedule was to suggest that the parties exchange the list of terms needing construction

earlier, on January 11, 2012. As Apple states in its motion, that date is the only date upon which the parties have yet to agree.

On October 11, Apple emailed Motorola, appearing to seek more information regarding Motorola's proposal. Apple stated that "we don't understand your rationale for moving that deadline 1 month earlier than your original proposal and on a date prior to the exchange of rebuttal contentions." We responded shortly after that to say that we were conferring with our client, but would respond to your proposal when we could. Nonetheless, Apple filed its motion that night, October 11.

Apple's motion on October 11 was premature: the parties were still negotiating, we made it clear we would respond to your October 11 email, and the first new date that would be added to the schedule would not be until January 2013. Your motion states that Motorola "inexplicably" proposed a new date for the exchange of claim terms. But Apple did not wait even a day to hear Motorola's explanation.

We moved the date for the Exchange of Terms for Construction to January 11th for two reasons: (1) to give the sides earlier advance warning of issues what would be in dispute so that they could start preparing their briefing, and (2) give the sides greater flexibility to meet and confer in order to possibly reduce the number of terms that need to be briefed. We think this earlier date makes sense in this case because of there are many patents in the case, and therefore many claim terms that may be in dispute. Giving the sides more time to work on their briefing and meet and confer will hopefully streamline the issues that the Court has to decide, and ensure that the parties' briefing is as helpful to the Court as possible. Your October 11 email suggests that Apple opposed the January 11 date because it would be "on a date prior to the exchange of rebuttal contentions" in response to the parties' infringement contentions. The parties should be able to prepare their list of terms for construction at the same time that they are working on their non-infringement contentions. And the parties can add terms to their lists if necessary in response to the other side's non-infringement contentions. There is therefore no reason why Apple should not be able to agree to Motorola's proposed January 11 date.

Please confirm that Apple agrees to Exchange Terms for Construction on January 11, 2013, so that we can submit an agreed order. If Apple insists on forcing the Court to resolve this issue, please let us know why Apple cannot accept Motorola's proposal, so that Motorola may address Apple's position in its response to Apple's motion. We need a response by the end of the day tomorrow, October 17.

Sincerely,

/s/ Gregory Bonifield

Gregory D. Bonifield