IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 1:10cv023580-Civ-UU

MOTOROLA MOBILITY, INC.,	
Plaintiff,	JURY TRIAL DEMANDED
v.	
APPLE INC.,	
Defendant.	
APPLE INC.,	
Counterclaim Plaintiff,	
v.	
MOTOROLA, INC. and MOTOROLA MOBILITY, INC.,	
Counterclaim Defendants.	

DECLARATION OF STEVEN S. CHERENSKY IN SUPPORT OF DEFENDANT AND COUNTERCLAIM PLAINTIFF APPLE INC.'S MOTION TO TRANSFER VENUE

I, Steven S. Cherensky, hereby declare:

- 1. I am a member of the law firm of Weil, Gotshal & Manges LLP, counsel of record for Apple Inc. ("Apple") in the above-captioned matter. The matters referred to in this declaration are based on personal knowledge and if called as a witness I could, and would, testify competently to these matters.
- 2. Attached hereto as Exhibit A is a true and correct copy of the complaint filed by Motorola Mobility, Inc. ("Motorola") on October 6, 2010 in Case No. 1:10-cv-06381 in the Northern District of Illinois.
- 3. Attached hereto as Exhibit B is a true and correct copy of the complaint filed by Motorola on October 6, 2010 in Case No. 1:10-cv-06385 in the Northern District of Illinois.
- 4. Attached hereto as Exhibit C is a true and correct copy of the complaint filed by Motorola on October 6, 2010 with the United States International Trade Commission ("USITC"), which is now pending as Investigation No. 337-TA-745.
- 5. Attached hereto as Exhibit D is a true and correct copy of the complaint filed by Motorola on October 8, 2010 in Case No. 1:10-cv-00867 in the District of Delaware.
- 6. Attached hereto as Exhibit E is a true and correct copy of the complaint filed by Apple on October 29, 2010 in Case No. 1:10-cv-00661 in the Western District of Wisconsin.
- 7. Attached hereto as Exhibit F is a true and correct copy of the complaint filed by Apple on October 29, 2010 in Case No. 1:10-cv-00662 in the Western District of Wisconsin.
- 8. Attached hereto as Exhibit G is a true and correct copy of the complaint filed by Apple with the USITC.
- 9. Attached hereto as Exhibit H is a true and correct copy of the voluntary dismissal filed by Motorola on November 9, 2010 in Case No. 1:10-cv-06381 in the Northern District of

Illinois.

- 10. Attached hereto as Exhibit I is a true and correct copy of the voluntary dismissal filed by Motorola on November 9, 2010 in Case No. 1:10-cv-06385 in the Northern District of Illinois.
- 11. Attached hereto as Exhibit J is a true and correct copy of the answer filed by Motorola on November 9, 2010 in Case No. 1:10-cv-00661 in the Western District of Wisconsin.
- 12. Attached hereto as Exhibit K is a true and correct copy of the answer filed by Motorola on November 9, 2010 in Case No. 1:10-cv-00662 in the Western District of Wisconsin.
- 13. Attached hereto as Exhibit L is a true and correct copy of the amended complaint filed by Apple on December 2, 2010 in Case No. 1:10-cv-00662 in the Western District of Wisconsin.
- 14. Attached hereto as Exhibit M is a true and correct copy of Defendants' Motion to Dismiss or, in the Alternative, to Transfer Venue, filed on December 2, 1010 in Case No. 1:10-cv-00867 in the District of Delaware.
- 15. Attached hereto as Exhibit N is a true and correct copy of the Opening Brief in Support of Defendants' Motion to Dismiss or, in the Alternative, to Transfer Venue, filed on December 2, 1010 in Case No. 1:10-cv-00867 in the District of Delaware.
- 16. Attached hereto as Exhibit O is a true and correct copy of an email I sent to Edward DeFranco on December 28, 2010, proposing that all district court patent infringement actions between the parties (in the Southern District of Florida, the District of Delaware, and the Western District of Wisconsin) be consolidated in the Western District of Wisconsin for efficiency purposes. As of the time of filing of this motion, I have not yet received a response to my email.

17. Attached hereto as Exhibit P is a true and correct copy of the Preliminary Pretrial

Conference Order issued by Magistrate Judge Stephen Crocker on December 21, 2010 in Case

No. 1:10-cy-00662 in the Western District of Wisconsin.

18. Attached hereto as Exhibit Q is a true and correct copy of Plaintiff and

Counterclaim Defendant Motorola Mobility, Inc.'s, and Counterclaim Defendant Motorola,

Inc.'s Initial Disclosures, served on December 17, 2010.

19. Attached hereto as Exhibit R is a true and correct copy of the order granting

Defendant Apple Inc.'s motion to transfer venue to the District of Delaware issued on January 5,

2011 in Case No. 3:10-cv-00249-wmc in the Western District of Wisconsin.

20. Attached hereto as Exhibit S is a true and correct copy of Defendant Motorola's

Notice of Related Case and Motion to Transfer filed on March 4, 2008 in Case No. 3:08-cv-

00317-K in the Northern District of Texas, Dallas Division.

I declare under penalty of perjury under the laws of the United States of America

that the foregoing is true and correct to the best of my knowledge and belief.

Executed on January 12, 2011 at Redwood Shores, California.

/s/ Steven S. Cherensky Steven S. Cherensky **CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2011, I electronically filed the foregoing

document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document

is being served this day on all counsel of record or pro se parties identified on the attached

Service List in the manner specified, either via transmission of Notices of Electronic Filing

generated by CM/ECF or in some other authorized manner for those counsel or parties who are

not authorized to received electronically Notices of Electronic Filing.

/s/ Christopher R. J. Pace

Christopher R. J. Pace (Fla. Bar No. 0721166)

Case No.1:10-cv-23580-UU

SERVICE LIST

Motorola Mobility, Inc. versus Apple Inc. Case No. 1:10cv023580-Civ-UU United States District Court, Southern District of Florida

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