

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

MOTOROLA MOBILITY, INC.,	)
	)
Plaintiff,	)
	)
v.	)
	)
APPLE INC.	)
	)
Defendant.	)
	)
	)
APPLE INC.,	)
	)
Counterclaim Plaintiff,	)
	)
v.	)
	)
MOTOROLA, INC. and	)
MOTOROLA MOBILITY, INC.,	)
	)
Counterclaim	)
Defendants.	)

Case No. 10-CV-23580-UU

**JURY TRIAL DEMANDED**

**DECLARATION OF ED DEFRANCO IN SUPPORT OF  
MOTOROLA MOBILITY, INC. AND MOTOROLA, INC'S OPPOSITION TO  
APPLE'S MOTION TO TRANSFER VENUE**

February 3, 2011

I, Ed DeFranco, hereby declare:

1. I am an attorney with the law firm of Quinn Emanuel Urquhart & Sullivan counsel of record for Motorola Mobility, Inc. and Motorola, Inc. in the above-captioned matter.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Motorola Mobility webpage "Motorola Office Locations," available at [http://www.motorola.com/Consumers/US-EN/About\\_Motorola/Office\\_Locations](http://www.motorola.com/Consumers/US-EN/About_Motorola/Office_Locations) (February 3, 2011).

3. Attached hereto as Exhibit 2 is a true and correct copy of Motorola, Inc.'s FY 2009 Form 10-K, filed with the Securities and Exchange Commission on February 16, 2010.

4. Attached hereto as Exhibit 3 is a true and correct copy of Motorola Mobility, Inc. and Motorola, Inc.'s Opening Brief in Support of their Motion to Dismiss or to Sever and Transfer Claim in Apple's Amended Complaint Based on Patents at Issue in an Earlier-Filed Delaware Action, filed on December 23, 2010 in the United States District Court for the Western District of Wisconsin, Civil Action No. 10-CV-662-bbc.

5. Attached hereto as Exhibit 4 is a true and correct copy of Apple Inc.'s and NeXT Software, Inc.'s Amended Answer, Affirmative Defenses, and Counterclaims to Motorola, Inc. and Motorola Mobility, Inc.'s Joint Counterclaims and Motorola Mobility, Inc.'s Counterclaims, filed on January 28, 2011 in the United States District Court for the Western District of Wisconsin, Civil Action No. 10-CV-662-bbc.

6. Attached hereto as Exhibit 5 is a true and correct copy of Apple Inc./NeXT Software, Inc. and Motorola, Inc. and Motorola Mobility, Inc.'s Joint Preliminary Pretrial Report filed on December 14, 2010 in the United States District Court for the Western District of Wisconsin, Civil Action No. 10-CV-662-bbc.

7. Attached hereto as Exhibit 6 is a true and correct copy of Apple Inc.'s Memorandum in Support of Motion to Transfer Venue to the District of Delaware Pursuant to 28

U.S.C. § 1404(a), filed on June 29, 2010 in the United States District Court for the Western District of Wisconsin, Civil Action No. 10-CV-249.

8. Attached hereto as Exhibit 7 is a true and correct copy of Table C-5 to the Federal Judicial Caseload Statistics, March 31, 2010, available at <http://www.uscourts.gov/Statistics/FederalJudicialCaseloadStatistics/FederalJudicialCaseloadStatistics2010.aspx> (February 3, 2011).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 3, 2011 in New York, New York.

/s/ Ed DeFranco  
Ed DeFranco