

# EXHIBIT 19

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

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MOTOROLA MOBILITY, INC.,

Plaintiff / Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant / Counterclaim Plaintiff.

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Case No. 10-24063-CIV-MORENO

**MOTOROLA MOBILITY, INC.’S RESPONSES AND OBJECTIONS TO  
MICROSOFT CORPORATION’S FIRST NOTICE OF DEPOSITION OF  
MOTOROLA MOBILITY, INC. PURSUANT TO RULE 30(B)(6), FED. R. CIV. P.**

Plaintiff Motorola Mobility, Inc. (“Motorola Mobility”) hereby objects to the topics set forth in Defendant Microsoft Corporation’s (“Microsoft”) First Notice of Deposition of Motorola Mobility, Inc. Pursuant to Rule 30(b)(6) (“Deposition Notice”), served on May 18, 2011. The following objections are based on Motorola’s current knowledge, information and belief after making a reasonable inquiry. Motorola reserves the right to supplement its objections and responses to this Notice as additional information pertinent to this action becomes available. Nothing in these objections or responses should be construed as a waiver of any rights of Microsoft under applicable rules and governing law.

**GENERAL OBJECTIONS**

Motorola objects to the topics in the Deposition Notice to the extent a reasonable search and inquiry does not lead to the identification of a Motorola employee with information or knowledge as to any part of a topic.

Motorola objects to the topics in the Deposition Notice to the extent they seek information or knowledge that, based on a reasonable search and inquiry, appears either to never

have existed or to no longer exist at Motorola. By agreeing to produce a witness to testify as to any of these topics in the Deposition Notice, Motorola does not represent that the information sought by Microsoft exists.

Motorola objects to the time specified in the Deposition Notice. Motorola will make designated witnesses available at times convenient to the witnesses and to counsel.

Motorola objects to the topics in the Deposition Notice to the extent they seek information that is protected by the attorney-client privilege, work product immunity, joint defense privilege, common interest doctrine, settlement privilege and/or any other applicable privileges or immunities.

Motorola objects to the topics in the Deposition Notice to the extent they seek legal conclusions.

Motorola objects to topics in the Deposition Notice to the extent they seek premature disclosure of expert opinion.

Motorola objects to the topics in the Deposition Notice to the extent they are duplicative of other discovery requested in this case (*e.g.*, interrogatories, request for admission and/or request for document production) or they seek discovery that is more easily available through other less burdensome means.

Motorola objects to the topics in the Deposition Notice to the extent they impose discovery obligations on Motorola in addition to, beyond the scope of, or different from those imposed by the Federal Rules of Civil Procedure, the Local Rules, any other applicable rules, any applicable Court Orders, including the Court's scheduling order and/or any stipulation or agreement of the parties.

Motorola objects to the topics in the Deposition Notice to the extent they seek

“all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and ask seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

Motorola objects to the topics in the Deposition Notice as vague and ambiguous to the extent they include terms that are undefined and/or susceptible to multiple interpretations. Motorola will assume a reasonable meaning for each such term.

Motorola objects to the topics in the Deposition Notice to the extent they call for confidential, proprietary or trade secret information of third parties that cannot be disclosed by Motorola because of contractual obligation. Motorola will not provide such information without either the consent of the relevant third party or a court order compelling production.

Motorola objects to the topics in the Deposition Notice as being overly broad, unduly burdensome and oppressive to the extent they are unlimited in time.

Motorola objects to the topics in the Deposition Notice to the extent they ask for information outside Motorola’s knowledge, possession, custody or control.

Motorola objects to the topics in the Deposition Notice as overly broad, unduly burdensome and oppressive to the extent they are not reasonably calculated to lead to the discovery of admissible evidence or seek information that is not relevant to, or is outside the scope of, the claims, counterclaims, or defenses of any party.

Motorola objects to the topics in the Deposition Notice to the extent they fail to describe with reasonable particularity the matters for examination as required by the Federal Rules of Civil Procedure.

Motorola objects to the topics in the Deposition Notice to the extent Motorola lacks knowledge regarding the information sought.

Motorola objects to the topics in the Deposition Notice to the extent they might be interpreted as requiring Motorola to concede the relevance, materiality or admissibility of the subject matter identified by Microsoft.

Motorola objects to Microsoft's definition of the terms "Plaintiff," "Motorola" or "Motorola Mobility, Inc." to the extent that the terms may include entities that are not parties to this action or that Motorola does not control.

Motorola objects to the topics in the Deposition Notice to the extent they call for testimony that cannot reasonably be completed in one seven-hour day per Fed. R. Civ. P. 30(d)(1).

Motorola Mobility also objects to the topics in the Deposition Notice as overly broad, unduly burdensome, and as seeking information beyond the scope of permissible discovery as set forth in Rule 26(b), Fed. R. Civ. P., to the extent that it seeks information that Motorola Mobility does not determine or maintain in the ordinary course of business.

Motorola objects to Microsoft's definition of the term "Motorola Accused Features" on the grounds that it is overbroad, unduly burdensome, vague and ambiguous, not reasonably calculated to lead to the discovery of admissible evidence. For example, Microsoft defines "Motorola Accused Features" to be any feature that "falls within the scope of one or more claim elements of any Microsoft Patents-in-Suit." Thus, the term "Motorola Accused Feature" encompasses virtually every product that is related to any single claim *element* of any of the Asserted Microsoft Patents-in-Suit and therefore fails to describe with reasonable particularity the matters for examination requested by Microsoft. Motorola objects to the

definition of “Motorola Accused Feature” to the extent it includes technology not accused of infringement in this litigation. Motorola further objects to Microsoft’s definition of “Motorola Accused Features” to the extent it seeks information not within Motorola’s possession, custody or control.

Motorola objects to Microsoft’ definition of the term “Motorola Accused Products” on the grounds that it is overbroad, unduly burdensome, vague, and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to the definition of “Motorola Accused Products” to the extent it includes products not specifically accused of infringement in this litigation. Any testimony Motorola provides to the topics in the Deposition Notice will be limited to those products specifically accused in Defendant/Counter-Claimant Microsoft Corporation’s Preliminary Infringement Contentions served on April 15, 2011.

Motorola incorporates each of these General Objections into its specific objections to each of Microsoft’s Deposition Notice Topics of Examination.

Motorola makes these objections without waiver of any right to object during the deposition(s) of any witness(es) on these topics.

### **DEFINITIONS**

“Motorola Topic \_\_,” as used herein, shall refer to the topic number in Motorola’s First Notice of Deposition of Microsoft Corporation Pursuant to Rule 30(b)(6), Fed. R. Civ. P., served on March 11, 2011.

## **SPECIFIC OBJECTIONS**

### **TOPIC 1**

Motorola Mobility's information storage, organization, and retention practices and policies with respect to the documents and information sought in any Microsoft written discovery served upon Motorola Mobility.

### **OBJECTIONS TO TOPIC 1**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic on the grounds that the phrase "information storage, organization, and retention practices and policies" is overbroad, vague and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence in that, among other things, it does not specify the time frame it seeks to cover and seeks information regarding documents and information that are not relevant to any issue in this litigation. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

### **TOPIC 2**

All efforts by or on behalf of Motorola Mobility to collect and/or preserve documents for this litigation, including, but not limited to, Motorola Mobility's efforts to ensure adherence with its litigation hold notice, the identity of all persons instructed to preserve and collect documents, the dates on which such persons were so instructed, and the steps each person took to preserve and collect documents.

### **OBJECTIONS TO TOPIC 2**

Subject to and without waiver of any General Objections set forth above,

Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege and/or work product immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

### **TOPIC 3**

Motorola Mobility's organizational structure and division management as related to the Motorola Accused Products and the Motorola Practicing Products, including but not limited to all such design, development, sales, marketing, licensing, accounting and financial functions.

### **OBJECTIONS TO TOPIC 3**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.



#### **TOPIC 4**

The design, development, structure, function, and operation of each of the Motorola Accused Products, as well as Motorola Mobility's knowledge regarding the design and development by third parties relating to the Motorola Accused Features of such Motorola Accused Products.

#### **OBJECTIONS TO TOPIC 4**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody, or control.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 4, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 4.

#### **TOPIC 5**

Motorola Mobility's marketing, sale, advertising or promotion of, or efforts to derive revenue from, each release and/or version of the Motorola Accused Products and/or the Motorola Accused Features, whether sold or licensed standing alone or bundled, embedded or shipped with another product or service, including any such third party products or services.

#### **OBJECTIONS TO TOPIC 5**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information

outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 5, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 5.

## **TOPIC 6**

Motorola Mobility's revenue, profits (including but not limited to gross margin, standard margin, contribution margin, operating margin, pre-tax margin or other margin) and costs (including but not limited to direct and indirect costs of goods sold, standard costs, research and development costs, selling costs, marketing costs, general and administrative costs or other costs) related to sale, license or other monetization of the Motorola Accused Products and/or the Motorola Accused Features, including the number of units sold or licensed; and Motorola Mobility's accounting practices related thereto.

## **OBJECTIONS TO TOPIC 6**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic overbroad and unduly burdensome to the extent it is unlimited in time.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 6, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it

reflects the agreed-upon, narrowed scope of Motorola's Topic 6.

## **TOPIC 7**

Motorola Mobility's marketing and/or financial plans, studies, reports, forecasts, surveys, strategies and projections concerning sale, license or other monetization of the Motorola Accused Products and/or the Motorola Accused Features, including but not limited to analyses of market size, market shares, customer needs and preferences, competitors and competitive products, the relative importance of price, quality, reliability, specific product features, product performance, and product service and support.

## **OBJECTIONS TO TOPIC 7**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic on the grounds that the phrases "marketing and/or financial plans, studies, reports, forecasts, surveys, strategies and projections" and "analyses of market size, market shares, customer needs and preferences, competitors and competitive products, the relative importance of price, quality, reliability, specific product features, product performance, and product service and support" are overbroad, unduly burdensome, vague and ambiguous. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, expert testimony and/or legal conclusions. Motorola objects to this Topic overbroad and unduly burdensome to the extent it is unlimited in time.

Subject to the foregoing General and Specific objections and based on its

understanding that this Topic corresponds to Motorola Topic 7, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 7.

### **TOPIC 8**

License, royalty, distribution or technology transfer agreements entered into by Motorola Mobility and related to the Motorola Accused Products and/or the Motorola Accused Features, and the methodologies used by Motorola Mobility for determining monetary values or royalty rates in such agreements.

### **OBJECTIONS TO TOPIC 8**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

### **TOPIC 9**

Motorola Mobility's knowledge of the Microsoft Patents-in Suit, including but not limited to the substance of Motorola Mobility's knowledge, any investigation or evaluation of the Microsoft Patents-in Suit, and the date and circumstances surrounding when Motorola Mobility was first made aware of each of the Microsoft Patents-in Suit.

## **OBJECTIONS TO TOPIC 9**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 10**

Any and all products or services that Motorola Mobility contends are acceptable noninfringing alternatives or design around alternatives to the Motorola Accused Products and/or the Motorola Accused Features and information about such non-infringing alternatives or design around alternatives, including but not limited to when such alternatives were designed and developed; whether they were ever sold or implemented, by whom, the number of units sold or licensed, and the time period that they were on sale; the cost to design and develop such alternatives, as well as the price at which they were sold or licensed; performance characteristics of such alternatives, why such alternatives do not infringe the Microsoft Patents-in Suit; and all reasons why any such alternative would be an acceptable substitute.

## **OBJECTIONS TO TOPIC 10**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as premature, overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, the attorney work product doctrine or any other applicable restriction on discovery.

Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic to the extent it calls for expert testimony and/or legal conclusions. Motorola objects to this Topic to the extent it seeks Motorola's contentions concerning acceptable non-infringing alternatives or design around alternatives which are more appropriately discoverable through interrogatories. Motorola further objects to this Topic to the extent it seeks "all" or "any" facts, circumstances or information that relate to a particular subject, on the ground that identifying "all" or "any" facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 10, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 10.

#### **TOPIC 11**

The technology relating to the alleged invention of each of the Motorola Patents-in-Suit, including the identification, location, custodian, disposition of documents related to such technology, and the identities of persons most knowledgeable about such technology.

#### **OBJECTIONS TO TOPIC 11**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and

ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic on the grounds that the phrase "technology relating to the alleged invention of each of the Motorola Patents-in-Suit" is overbroad, unduly burdensome, vague and ambiguous, and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic is unduly burdensome because it purports to require Motorola to produce witnesses knowledgeable regarding "technology relating to the alleged invention" of each of seven Motorola Patents-in-Suit. To the extent this Topic purports to request testimony concerning the inventions of the Motorola Patents-in-Suit, this Topic is more appropriate for individual depositions of the inventors of the Motorola Patents-in-Suit as opposed to a 30(b)(6) deposition. On its face, this Topic would require at least one witness for each of the Motorola Patents-in-Suit. Motorola objects to this Topic on the grounds that it is duplicative of other discovery requests. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, expert testimony and/or legal conclusions.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 11, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 11.

## **TOPIC 12**

The prosecution of the Motorola Patents-in-Suit, including the identification, location, custodian, disposition of documents related to such prosecution, and the identities of persons most knowledgeable about such prosecution.

## **OBJECTIONS TO TOPIC 12**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic as unduly burdensome because it purports to require Motorola to produce witnesses knowledgeable regarding the prosecution of seven Motorola Patents-in-Suit. To the extent this Topic purports to request testimony concerning the inventions of the Motorola Patents-in-Suit, this Topic is more appropriate for individual depositions of the inventors of the Motorola Patents-in-Suit as opposed to a 30(b)(6) deposition. On its face, this Topic would require at least one witness for each of the Motorola Patents-in-Suit. Motorola objects to this Topic on the grounds that it is duplicative of other discovery requests. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity and/or legal conclusions.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.



### **TOPIC 13**

The marketing activities relating to the Motorola Practicing Products, including the identification, location, custodian disposition of documents related to such marketing activities, and the identities of persons most knowledgeable about such activities.

### **OBJECTIONS TO TOPIC 13**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic and the phrase “marketing activities” as overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent that it is overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola’s knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

### **TOPIC 14**

The prosecution of any Motorola Related Patents, including all communications between Motorola Mobility and the U.S. Patent and Trademark Office, any foreign patent office, any named or unnamed inventor, or any third parties regarding the prosecution of any Motorola Related Patents.

### **OBJECTIONS TO TOPIC 14**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information that is protected from discovery by the attorney-client privilege, work product doctrine, or any other applicable privileges or

immunities. Motorola further objects to this Topic to the extent it seeks testimony requiring a legal conclusion. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic as overly broad, unduly burdensome and oppressive and as seeking information that is not relevant to any of Microsoft’s claims or defenses to the extent it seeks testimony concerning “any Motorola Related Patents” and “all communications between Motorola Mobility and the U.S. Patent and Trademark Office, any foreign patent office, any named or unnamed inventor, or any third parties regarding the prosecution of any Motorola Related Patents.”

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 17, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola’s Topic 17.

#### **TOPIC 15**

All prior art to the Motorola Patents-in-Suit that any third parties may have identified to Motorola Mobility during the course of any licensing discussions concerning the Motorola Patents-in-Suit.

## **OBJECTIONS TO TOPIC 15**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information that is protected from discovery by the attorney-client privilege, work product doctrine, or any other applicable privileges or immunities. Motorola further objects to this Topic to the extent it seeks testimony requiring a legal conclusion. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it seeks information that is not in Motorola’s possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 16**

All prior art to the Motorola Related Patents that any third parties may have identified to Motorola Mobility during the course of any licensing discussions concerning the Motorola Related Patents.

## **OBJECTIONS TO TOPIC 16**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information that is protected from discovery by the attorney-client privilege, work product doctrine, or any other applicable privileges or immunities. Motorola further objects to this Topic to the extent it seeks testimony requiring a legal conclusion. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it seeks information that is not in Motorola’s possession, custody or control.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

## **TOPIC 17**

The factual bases for any contention, accusation, or investigation, including but not limited to opinions, testing, research, studies or reports, of the alleged validity, enforceability, or alleged infringement of the Motorola Patents-in-Suit and Motorola Related Patents.

## **OBJECTIONS TO TOPIC 17**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information that is protected from discovery by the attorney-client privilege, work product doctrine, or any other applicable privileges or immunities. Motorola further objects to this Topic to the extent it seeks expert testimony and/or a legal conclusion. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it seeks information that is not in Motorola's possession, custody or control.

Subject to the foregoing General and Specific objections, based on its understanding of the terms in this topic and based on its investigation to date, Motorola is unaware of any documents or information that is not protected from disclosure. Motorola will not provide a witness for this Topic.

## **TOPIC 18**

The first sale, offer for sale, public use, public display, publication, promotion, advertisement or manufacture of any Motorola Practicing Products.

## **OBJECTIONS TO TOPIC 18**

Subject to and without waiver of any General Objections set forth above,

Motorola objects to this Topic to the extent it seeks information that is protected from discovery by the attorney-client privilege, work product doctrine, or any other applicable privileges or immunities. Motorola further objects to this Topic to the extent it seeks expert testimony and/or a legal conclusion. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it seeks information that is not in Motorola's possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 23, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 23.

### **TOPIC 19**

Information known to Motorola Mobility of methods, contained in any Motorola Accused Products, for synchronizing data between two data stores where such synchronization is determined at least in part by consideration of one of (a) value of the data being synchronized, (b) cost of synchronizing such data, or (c) security issues implicated in the synchronization of such data, or which consults a set of one or more flexible selection rules to select a synchronization mechanism, and documents related thereto.

### **OBJECTIONS TO TOPIC 19**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to

produce witnesses knowledgeable regarding every conceivable method for synchronizing data known to anyone at Motorola. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it seeks information that is not in Motorola's possession, custody or control. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola further objects to this Topic to the extent it seeks expert testimony, a legal conclusion and/or a legal contention.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

## **TOPIC 20**

Information known to Motorola Mobility of touch screen user interfaces, contained in any Motorola Accused Products, that interpret or classify user gestures or provide feedback to the user based on a gesture.

## **OBJECTIONS TO TOPIC 20**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding every conceivable touch screen user interface

known to anyone at Motorola. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it seeks information that is not in Motorola's possession, custody or control. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola further objects to this Topic to the extent it seeks expert testimony, a legal conclusion and/or a legal contention.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

## **TOPIC 21**

Information known to Motorola Mobility of digital video recorders, contained in any Motorola Accused Products, that select among multiple tuners and in which an indicator is displayed to indicate that a user is watching a recorded program.

## **OBJECTIONS TO TOPIC 21**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding every conceivable digital video recorder and every conceivable indicator displayed by any digital video recorder known to anyone at Motorola.



Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola further objects to this Topic to the extent it seeks expert testimony, a legal conclusion and/or a legal contention.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

## **TOPIC 22**

Information known to Motorola Mobility of digital video recorders having parental controls features, contained in any Motorola Accused Products that refrains from displaying a record button on the display when a portion of the programming content is locked.

## **OBJECTIONS TO TOPIC 22**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding every conceivable digital video recorder and every conceivable parental control feature of any digital video recorder known to anyone at Motorola. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it

seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola further objects to this Topic to the extent it seeks expert testimony, a legal conclusion and/or a legal contention.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

### **TOPIC 23**

Information known to Motorola Mobility of Motorola Practicing Products that are capable of extracting caller-related information (e.g., telephone number, talkgroup identifier, communication unit identifier, and/or alias) and converting that caller-related information from voice format to text (e.g., alpha-numeric string), and documents related thereto, including but not limited to Motorola Practicing Products existing prior to July 1998.

### **OBJECTIONS TO TOPIC 23**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of extracting information and converting that information from voice format to text. Motorola further objects to this Topic to the extent it uses terms for which the Parties have not agreed upon a construction. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission

and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before July 1998. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 1998 identified thus far include this functionality. Motorola's investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic at this time..

#### **TOPIC 24**

Information known to Motorola Mobility of Motorola Practicing Products that are capable of providing maps or other information determined based on location or geography, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to August 2001.

#### **OBJECTIONS TO TOPIC 24**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding every device capable of providing maps known to anyone at Motorola. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for

document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before August 2001. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 2001 identified thus far include this functionality. Motorola's investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic at this time.

## **TOPIC 25**

Information known to Motorola Mobility of Motorola Practicing Products that reply to email by sending only a portion of the email, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 1995.

## **OBJECTIONS TO TOPIC 25**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of replying to email. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission

and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 1995. Furthermore, as presently advised and based on the investigation to date none of the identified Motorola Practicing Products in existence after 1995 include this functionality. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic.

## **TOPIC 26**

Information known to Motorola Mobility of Motorola Practicing Products for minimizing the bandwidth required to transmit reply emails, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 1995.

## **OBJECTIONS TO TOPIC 26**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of transmitting reply emails. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily

available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 1995. Furthermore, as presently advised and based on the investigation to date none of the identified Motorola Practicing Products in existence after 1995 include this functionality. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic.

#### **TOPIC 27**

Information known to Motorola Mobility of Motorola Practicing Products for using multiple servers (processing devices or programs) to reduce bandwidth transmissions when sending reply email, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 1995.

#### **OBJECTIONS TO TOPIC 27**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of using multiple servers to transmit email. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as

overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 1995. Furthermore, as presently advised and based on the investigation to date none of the identified Motorola Practicing Products in existence after 1995 include this functionality. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic.

## **TOPIC 28**

Information known to Motorola Mobility of Motorola Practicing Products that send key words and/or code words and image data to a data communication receiver, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 1995.

## **OBJECTIONS TO TOPIC 28**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of sending words and/or image data to a communication receiver. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request

for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 1995. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 1995 identified thus far include this functionality. Motorola's investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic at this time.

## **TOPIC 29**

Information known to Motorola Mobility of Motorola Practicing Products that use key word information to include an image as part of or as a supplement to a message on a data communication receiver, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 1995.

## **OBJECTIONS TO TOPIC 29**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of attaching an image to an email. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation.



Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 1995. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 1995 identified thus far include this functionality. Motorola's investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic at this time.

### **TOPIC 30**

Information known to Motorola Mobility of Motorola Practicing Products that update a database located on a data communication receiver, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 1995.

### **OBJECTIONS TO TOPIC 30**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone

at Motorola that is capable of updating a database on a communication receiver. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

### **TOPIC 31**

Information known to Motorola Mobility of Motorola Practicing Products that are capable of providing continuity between two or more messaging clients, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 2001.

### **OBJECTIONS TO TOPIC 31**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is “capable of providing continuity between two or more messaging client.” Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this

case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 2001. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 2001 identified thus far include this functionality. Motorola's investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic.

### **TOPIC 32**

Information known to Motorola Mobility of Motorola Practicing Products that are capable of transferring an active session of real time electronic messaging between two or more messaging clients, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 2001.

### **OBJECTIONS TO TOPIC 32**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of real time electronic messaging. Motorola objects to this Topic to

the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic because the term “active session” is undefined and is therefore vague and ambiguous. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 2001. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 2001 identified thus far include this functionality. Motorola’s investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic.

### **TOPIC 33**

Information known to Motorola Mobility of Motorola Practicing Products that are capable of transferring an active communication connection between two or more messaging clients, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 2001.

### **OBJECTIONS TO TOPIC 33**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, Motorola objects to this Topic because the

term “active communication connection” is undefined and is therefore vague and ambiguous. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 2001. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 2001 identified thus far include this functionality. Motorola’s investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic.

#### **TOPIC 34**

Information known to Motorola Mobility of Motorola Practicing Products that are capable of transferring client data and/or session data between two or more messaging clients, and documents related thereto, including but not limited to Motorola Practicing Products existing prior to November 2001.

#### **OBJECTIONS TO TOPIC 34**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to

produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of electronic messaging. This Topic also purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of transferring client data and/or session data between two or more messaging clients. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

As presently advised and based on the investigation to date, Motorola has not identified any Motorola Practicing Products existing before November 2001. Furthermore, as presently advised and based on the investigation to date none of the Motorola Practicing Products in existence after 2001 identified thus far include this functionality. Motorola's investigation is ongoing concerning this Topic. Subject to the foregoing General and Specific objections and based on its understanding of the terms in this topic, Motorola will not provide a witness for this Topic.

### **TOPIC 35**

Information known to Motorola Mobility of Motorola Practicing Products that implement, interface, or invoke virtual input/output software, systems, or interfaces (including, but not limited to, software, systems, or interfaces that convert input from a physical input device into virtual input, represent input or output as picture elements, process virtual input, and/or convert virtual input to output for a physical device), and documents related thereto, including but not limited to Motorola Practicing Products existing prior to January 1987.

### **OBJECTIONS TO TOPIC 35**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of invoking virtual inputs or outputs. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent it uses claim terms under dispute in this litigation. Motorola further objects to this Topic to the extent it seeks expert testimony, legal conclusions and/or legal contentions.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

### **TOPIC 36**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to July 1998, relating to products and services capable of extracting caller-related information (e.g., telephone number, talkgroup identifier, communication unit identifier, and/or alias) and converting that caller-related information from voice format to text (e.g., alpha-numeric string), as well as any documents related thereto.

### **OBJECTIONS TO TOPIC 36**

Subject to and without waiver of any General Objections set forth above,

Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of extracting information and converting that information from voice format to text. Motorola further objects to this Topic to the extent it uses terms for which the Parties have not agreed upon a construction. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

### **TOPIC 37**



Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to August 2001, relating to products and services capable of providing maps or other information determined based on location or geography, as well as any documents related thereto.

### **OBJECTIONS TO TOPIC 37**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of "providing maps or other information." Motorola further objects that the term "other information" is vague and ambiguous. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide

whether corporate testimony on the same subject matter is needed.

### **TOPIC 38**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 1995, relating to reply to email by sending only a portion of the email, as well as any documents related thereto.

### **OBJECTIONS TO TOPIC 38**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of replying to email. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic.

Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

### **TOPIC 39**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 1995, relating to minimizing the bandwidth required to transmit reply emails, as well as any documents related thereto.

### **OBJECTIONS TO TOPIC 39**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of transmitting reply emails. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 40**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 1995, relating to using multiple servers (processing devices or programs) to reduce bandwidth transmissions when sending reply email, as well as any documents related thereto.

#### **OBJECTIONS TO TOPIC 40**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of using multiple servers to transmit email. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola

Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 41**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 1995, relating to sending key words and/or code words and image data to a data communication receiver, as well as any documents related thereto.

#### **OBJECTIONS TO TOPIC 41**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of sending words and/or image data to a communication receiver. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks

information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 42**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 1995, relating to using key word information to include an image as part of or as a supplement to a message on a data communication receiver, as well as any documents related thereto.

#### **OBJECTIONS TO TOPIC 42**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of attaching an image to an email. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it

seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 43**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 1995, relating to updating a database located on a data communication receiver, as well as any documents related thereto.

#### **OBJECTIONS TO TOPIC 43**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of updating a database on a communication receiver. Motorola

objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 44**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 27, 2001, relating to messaging communication systems, as well as any documents related thereto.

#### **OBJECTIONS TO TOPIC 44**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as



required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding all “research and development, marketing, sale, offer for sale, public use, prior to November 27, 2001, relating to messaging communication systems.” Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola’s knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 45**

Motorola Mobility’s research and development, marketing, sale, offer for sale, public use, prior to November 27, 2001, relating to products and services capable of providing continuity between two or more messaging clients, as well as any documents related thereto.

#### **OBJECTIONS TO TOPIC 45**

Subject to and without waiver of any General Objections set forth above,

Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of providing continuity between two or more messaging clients.

Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 46**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 27, 2001, relating to products and services of transferring an active session of real time electronic messaging between two or more messaging clients, as well as any documents related thereto.

## **OBJECTIONS TO TOPIC 46**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of real time electronic messaging. Motorola further objects to this Topic because the term “active session” is undefined and is therefore vague and ambiguous. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola’s knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

## **TOPIC 47**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 27, 2001, relating to products and services capable of transferring an active communication connection between two or more messaging clients, as well as any documents related thereto.

## **OBJECTIONS TO TOPIC 47**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, the term "active communication connection" is undefined and is therefore vague and ambiguous. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

## **TOPIC 48**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to November 27, 2001, relating to products and services capable of transferring client data and/or session data between two or more messaging clients, as well as any documents related thereto.

## **OBJECTIONS TO TOPIC 48**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of transferring client data and/or session data between two or more messaging clients. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic.

Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 49**

Motorola Mobility's research and development, marketing, sale, offer for sale, public use, prior to January 1987, relating to virtual input/output software, systems, or interfaces (including, but not limited to, software, systems, or interfaces that convert input from a physical input device into virtual input, represent input or output as picture elements, process virtual input, and/or convert virtual input to output for a physical device), including but not limited to the Motorola Computer XcX operating system, as well as any documents related thereto.

#### **OBJECTIONS TO TOPIC 49**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce witnesses knowledgeable regarding any conceivable device or product known to anyone at Motorola that is capable of invoking virtual inputs or outputs. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product doctrine or any other applicable restriction on discovery. Motorola objects to this

Topic to the extent it seeks Motorola's knowledge concerning prior art to one or more Motorola Patents-in-Suit, which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this topic, Motorola suggests that the named inventors of the Motorola Patents-in-Suit are the most knowledgeable about the information sought in this topic. Motorola recommends that Microsoft first take the depositions of the inventors and then decide whether corporate testimony on the same subject matter is needed.

#### **TOPIC 50**

The assignment or other transfer of any rights in the Motorola Patents-in-Suit.

#### **OBJECTIONS TO TOPIC 50**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details, and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

### **TOPIC 51**

All licenses to the Motorola Patents-in-Suit, including but not limited to the identity of the parties, terms, royalty rates, and lump sum payments, patent marking, and the facts and circumstances surrounding negotiation, execution, execution and enforcement of such licenses.

### **OBJECTIONS TO TOPIC 51**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to



this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 52**

Royalties and any other revenue received by Motorola Mobility, on a per-license and annual basis, associated with licenses of the Motorola Patents-in-Suit.

## **OBJECTIONS TO TOPIC 52**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks "all" or "any" facts, circumstances or information that relate to a particular subject, on the ground that identifying "all" or "any" facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this

Topic and the scope of testimony to be provided.

### **TOPIC 53**

Factual aspects of license agreements that Motorola Mobility contends are relevant to a determination of a reasonable royalty rate for a license to each of the Motorola Patents-in-Suit.

### **OBJECTIONS TO TOPIC 53**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it is unduly burdensome, impractical and oppressive and is seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic to the extent it seeks Motorola's contentions which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 32, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 32.

### **TOPIC 54**

Financial projections and estimates of future revenue associated with licenses to the Motorola Patents-in-Suit.

#### **OBJECTIONS TO TOPIC 54**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it calls for expert testimony and/or legal conclusions. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

#### **TOPIC 55**

All offers to license, proposed licenses, proposed covenants not to sue, or any other proposed transfer or extension of rights to the Motorola Patents-in-Suit or Motorola Related Patents, the terms of such proposals, and the facts and circumstances surrounding those proposals.

#### **OBJECTIONS TO TOPIC 55**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks "all" or "any" facts, circumstances or information that relate to a particular subject, on the ground that identifying "all" or "any" facts,

circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. For example, offers to license, proposed licenses and proposed covenants that are not consummated are not relevant to a determination of an appropriate royalty rate for the Motorola Patents-in-Suit. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it calls for expert testimony and/or legal conclusions. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic regarding only the Motorola Patents-in-Suit.

#### **TOPIC 56**

Motorola Mobility's patent licensing policies, practices, and procedures, including but not limited to any factors or models Motorola Mobility has used to determine the appropriate royalty rate to seek in licensing negotiations involving the Motorola Patents-in-Suit.

#### **OBJECTIONS TO TOPIC 56**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks "all" or "any" facts, circumstances or information that relate to a particular subject, on the ground that identifying "all" or "any" facts,

circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic on the ground that “patent licensing policies, practices, and procedures” is overbroad, unduly burdensome, vague and ambiguous, and not reasonably calculate to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it calls for expert testimony and/or legal conclusions. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 35, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola’s Topic 35.

#### **TOPIC 57**

Motorola Mobility’s advertising, marketing, and promotional efforts related to any Motorola Practicing Product.

#### **OBJECTIONS TO TOPIC 57**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it is unduly burdensome, impractical and oppressive and is seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this

Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic overbroad and unduly burdensome to the extent it is unlimited in time.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 37, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 37. Motorola will only provide testimony regarding Motorola Practicing Products identified by Motorola in its supplemental response to Microsoft Interrogatory No. 7.

#### **TOPIC 58**

The profitability and/or commercial success of the Motorola Practicing Products and the bases therefore, including sales information, profits or losses, and the general methodology for calculating these figures.

#### **OBJECTIONS TO TOPIC 58**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic on the grounds that the phrase "profitability and/or commercial success" is overbroad, vague and ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence in that, among other things, it does not specify the time frame it seeks to cover and seeks information regarding documents and information that are not relevant to any issue in this litigation. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during

deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 38, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 38.

#### **TOPIC 59**

Marking under 35 U.S.C. §287 relating to the Motorola Patents-in-Suit for all products, including but not limited to Motorola Practicing Products.

#### **OBJECTIONS TO TOPIC 59**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks "all" or "any" facts, circumstances or information that relate to a particular subject, on the ground that identifying "all" or "any" facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further

objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections, based on its understanding of the terms used in this topic and as currently advised, Motorola does not intend to rely on marking under section 287 to support its case for damages. In light of this, Motorola will not provide a witness for this Topic.

#### **TOPIC 60**

Motorola Mobility's policies and practices for ensuring that licensees of the Motorola Patents-in-Suit marked such products in accordance with 35 U.S.C. § 287(a), and the extent to which such policies and practices were enforced.

#### **OBJECTIONS TO TOPIC 60**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections, based on its understanding of the terms used in this topic and as currently advised, Motorola does not intend to rely on marking under section 287 to support its case for damages. In light of this, Motorola will not provide a witness for this Topic.

#### **TOPIC 61**



The earliest date upon which Motorola Mobility contends it provided notice of infringement to Microsoft for each Motorola Patent-in-Suit under 35 U.S.C. § 287(a).

### **OBJECTIONS TO TOPIC 61**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means, including interrogatories. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 41, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 41.

### **TOPIC 62**

The factual bases supporting any claim that Motorola Mobility is entitled to recover lost profit damages, including, but not limited to, the demand for products Motorola Mobility alleges to be covered by at least one claim of either of the Motorola Patents-in-Suit, Motorola Mobility's ability to manufacture and market such products to meet the market demand, and competition for sales between such products and the Motorola Accused Products.

### **OBJECTIONS TO TOPIC 62**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and

ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Topic on the grounds that it is duplicative of other discovery requests.

In light of these objections, Motorola will not be providing a witness to testify regarding this Topic at this time.

### **TOPIC 63**

Non-privileged facts relating to how and when Motorola Mobility became aware of Microsoft's alleged infringement of the Motorola Patents-in-Suit by each of the accused products and/or features, including the details of any non-privileged pre-suit investigation, an identification of all products by name and/or model number that Motorola Mobility purchased or inspected, and the dates on which each of those products were purchased or inspected.

### **OBJECTIONS TO TOPIC 63**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details.

In light of these objections, Motorola will not be providing a witness to testify regarding this Topic at this time.

#### **TOPIC 64**

The factual bases for Motorola Mobility's contention in its Complaint that "Microsoft's infringing activities have caused and will continue to cause Motorola Mobility irreparable harm for which it has no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283."

#### **OBJECTIONS TO TOPIC 64**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic on the grounds that it is duplicative of other discovery requests. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic to the extent it seeks Motorola's contentions which are more appropriately discoverable through interrogatories. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

#### **TOPIC 65**

For each Accused Product, the identity of the processor or processors which are used by that Accused Product, including name, model number, codename, part number, manufacturer name, and/or any other identifier used by Motorola or the manufacturer of the processor(s).

## **OBJECTIONS TO TOPIC 65**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce multiple witnesses knowledgeable about more than 24 different Accused Products. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola has provided documents sufficient to inform this Topic and can direct Microsoft to the appropriate Bates ranges in lieu of a witness.

## **TOPIC 66**

Alternatives to the Linux kernel's high resolution timer subsystem(s) that would provide an adequate substitute for the Linux kernel's high resolution timer subsystem(s).

## **OBJECTIONS TO TOPIC 66**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as premature, overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client

privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic to the extent it seeks Motorola's contentions which are more appropriately discoverable through interrogatories.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

#### **TOPIC 67**

For each Accused Product, the version of the Linux kernel used by that Accused Product.

#### **OBJECTIONS TO TOPIC 67**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce multiple witnesses knowledgeable about more than 24 different Accused Products. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

#### **TOPIC 68**

For each Accused Product, the location and/or entity from which Motorola obtains the source code of the Linux kernel used by that Accused Product.

#### **OBJECTIONS TO TOPIC 68**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce multiple witnesses knowledgeable about more than 24 different Accused Products. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 69**

Any modifications or changes to Linux kernel source code that implements the Linux kernel's high resolution timer subsystem(s) for each Accused Product, and the nature or purpose of those modifications.

## **OBJECTIONS TO TOPIC 69**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce multiple witnesses knowledgeable about more than 24 different Accused Products. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 70**

The identity of all Motorola Mobility products that use, implement, or interoperate with the Linux kernel's high resolution timer subsystem(s).

## **OBJECTIONS TO TOPIC 70**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce multiple witnesses knowledgeable about "all Motorola Mobility products". Motorola objects to this Topic to the extent it seeks "all" or "any" facts, circumstances or information that relate to a particular subject, on the ground that identifying "all" or "any" facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.



## **TOPIC 71**

The Linux kernel configuration files and the parameters of Linux kernel configuration files used by each of the Accused Products, including the identify of each Accused Product configured to define and/or set at build time the macro CONFIG\_HIGH\_RES\_TIMERS, as that macro is set forth in the version of the Linux kernel used by that Accused Product.

## **OBJECTIONS TO TOPIC 71**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce multiple witnesses knowledgeable about more than 24 different Accused Products. Motorola objects to this Topic to the extent it is duplicative of other discovery requested in this case (e.g., interrogatories, request for admission and/or request for document production) or it seeks discovery that is more easily available through other less burdensome means. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 72**

The manner in which any Accused Product implements or supports the Linux kernel's high resolution timer subsystem(s).

## **OBJECTIONS TO TOPIC 72**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every conceivable function and feature of every conceivable Accused Product. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Request to the extent it seeks information not within Motorola's possession, custody, or control and imposes upon Motorola an obligation to investigate or discover information from third parties or sources that is equally accessible to Microsoft. Motorola further objects to this Request to the extent that it seeks information that is publicly available and easily accessible to Microsoft from public sources. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (*e.g.*, interrogatories, and/or request for document production). Motorola objects to this Topic because the terms "manner," "implements," and "supports" are vague and ambiguous.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

## **TOPIC 73**

The identity of the source code corresponding to the software running on each Accused Product that implements or supports the use of the Linux kernel's high resolution timer subsystem(s).

### **OBJECTIONS TO TOPIC 73**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every conceivable version of software running on every conceivable Accused Product. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (*e.g.*, interrogatories, and/or request for document production).

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

### **TOPIC 74**

The purpose and function of the following source code files within the Linux kernel used or implemented by any of the Accused Products:

- In *Documentation\timers*, all files
- In *Kernel\*, the files *hrtimer.c* and *itimer.c*
- In *kernel\time\*, all files
- In *kernel\irq*, all files
- In *include\linux\*, *irq.h*, *hrtimer.h*, *syscalls.h*, and *clockchips.h*

### **OBJECTIONS TO TOPIC 74**

Subject to and without waiver of any General Objections set forth above,

Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every conceivable function and feature of every conceivable Accused Product. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Request to the extent it seeks information not within Motorola's possession, custody, or control and imposes upon Motorola an obligation to investigate or discover information from third parties or sources that is equally accessible to Microsoft. Motorola further objects to this Request to the extent that it seeks information that is publicly available and easily accessible to Microsoft from public sources. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (*e.g.*, interrogatories, and/or request for document production). Motorola objects to this Topic because the terms "purpose" and "function" are vague and ambiguous.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

#### **TOPIC 75**

For each Accused Product, the identity and functionality of the source code within the Linux kernel directory *arch/arm* that enables the Accused Product to set a hardware timer and/or to handle interrupts generated by a hardware timer located on or near a processor used by the Accused Product.

#### **OBJECTIONS TO TOPIC 75**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to

require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every conceivable function and feature of every conceivable Accused Product. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (*e.g.*, interrogatories, and/or request for document production).

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

#### **TOPIC 76**

For each Accused Product, the values taken on by the fields of the *clock\_event\_device* data structure during that Accused Product's use of the Linux kernel's high resolution timer subsystem(s), including the value of its *set\_next\_event* member.

#### **OBJECTIONS TO TOPIC 76**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. For example, this Topic purports to require Motorola to produce one or

more witnesses knowledgeable about every conceivable value of data structures used by every conceivable application on every conceivable Accused Product. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (*e.g.*, interrogatories, and/or request for document production).

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

#### **TOPIC 77**

The supplier(s) of the source code that correspond to the software running on each Accused Product that implements or utilizes the Linux kernel's high resolution timer subsystem(s).

#### **OBJECTIONS TO TOPIC 77**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic because the term "supplier of the source code" is vague and ambiguous. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

### **TOPIC 78**

Any communications between Motorola Mobility and the authors of the source code that implements the Linux kernel's high resolution timer subsystem(s) on the Accused Products.

### **OBJECTIONS TO TOPIC 78**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic because the terms “communications” and “authors of the source code” are vague and ambiguous. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola’s knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola requests clarification from Microsoft for the term “authors of the source code.”

## **TOPIC 79**

Any communications between Motorola Mobility and the manufacturers of processors used in any of the Accused Products directed to timers, high resolution timers, interrupt handling, and/or the Linux kernels high resolution timer subsystem(s).

## **OBJECTIONS TO TOPIC 79**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic because the terms “communications” and “manufacturers of processors” are vague and ambiguous. Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola’s knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic. Motorola’s testimony will be limited to the specifically identified functionality within the Motorola Accused Products.

## **TOPIC 80**

The functionality and processing performed by the source code identified in Microsoft's Preliminary Infringement Contentions in connection with U.S. Patent No. 7,383,460.

## **OBJECTIONS TO TOPIC 80**



Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested in this case (*e.g.*, interrogatories, and/or request for document production). Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections Motorola will be willing to meet and confer with Microsoft to more particularly identify the information sought by this Topic and the scope of testimony to be provided.

#### **TOPIC 81**

The identity of applications on the Accused Products that make use of the Linux kernel's high resolution timer subsystem(s), including applications that make use of the *nanosleep* and/or *setitimer* system calls.

#### **OBJECTIONS TO TOPIC 81**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every application on every conceivable Accused Product. Motorola further objects to this Topic to the extent it is duplicative of other discovery requested

in this case (*e.g.*, interrogatories, and/or request for document production). Motorola objects to this Topic to the extent it incorporates terms whose meanings are likely to be disputed during this litigation. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 82**

The parental controls functionality of Motorola Mobility's Broadband Media Center set top boxes with digital video recording functionality.

## **OBJECTIONS TO TOPIC 82**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic because the term "parental controls functionality" is vague and ambiguous. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control. Motorola objects to this Topic to the extent it seeks information more appropriately discoverable through interrogatories, request for admission and request for production.

Subject to the foregoing General and Specific objections and based on its

understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic. Motorola's testimony will be limited to the specifically identified functionality within the Motorola Accused Products.

### **TOPIC 83**

Any communications between Motorola Mobility and the supplier of any source code relating to parental controls functionality incorporated into Motorola Mobility's Broadband Media Center set top boxes.

### **OBJECTIONS TO TOPIC 83**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks "all" or "any" facts, circumstances or information that relate to a particular subject, on the ground that identifying "all" or "any" facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola further objects to this Topic because the terms "communications," "supplier of any source code" and "parental controls functionality" are vague and ambiguous. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic. Motorola's testimony will be limited to the

specifically identified functionality within the Motorola Accused Products.

#### **TOPIC 84**

The functionality and processing performed by Motorola Mobility's set top boxes with digital video recording functionality to select from among multiple tuners and to display an indicator that a user is watching a recorded program.

#### **OBJECTIONS TO TOPIC 84**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and fails to describe the matters for examination with reasonable particularity as required by Fed. R. Civ. P. 30(b)(6). For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every conceivable feature and function of every conceivable Motorola set top box. Motorola further objects to this Topic because the terms "functionality," "processing" and "performed" are vague and ambiguous. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola's knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic. Motorola's testimony will be limited to the specifically identified functionality within the Motorola Accused Products.

#### **TOPIC 85**

Any communications between Motorola Mobility and the supplier of any source code relating to the ability of any Motorola Mobility set top boxes with digital video recording functionality to select from among multiple tuners and to display an indicator that a user is watching a recorded program.

### **OBJECTIONS TO TOPIC 85**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every conceivable feature and function of every conceivable Motorola set top box. Motorola further objects to this Topic because the terms “communications,” “supplier of any source code” and “ability” are vague and ambiguous. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic to the extent it seeks information outside Motorola’s knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic. Motorola’s testimony will be limited to the specifically identified functionality within the Motorola Accused Products.

### **TOPIC 86**

Any license or potential license between Microsoft and Motorola related to Microsoft Exchange or ActiveSync functionality and the state of negotiations relating to any such future license.

### **OBJECTIONS TO TOPIC 86**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information that is equally accessible from

Microsoft. Motorola further objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic because the terms “potential license” and “state of negotiations” are vague and ambiguous. Motorola further objects to this Topic to the extent it seeks information outside Motorola’s knowledge, possession, custody or control.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

#### **TOPIC 87**

All facts and information to support the cost-savings, if any, that Motorola alleges Microsoft has experienced, or could potentially experience, as a result of its alleged infringement of the Motorola Asserted Patents.

#### **OBJECTIONS TO TOPIC 87**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. For example, this Topic purports to

require Motorola to produce one or more witnesses knowledgeable about costs and budgets for every conceivable Microsoft product. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola further objects to this Topic because the terms “cost-savings,” “experienced” and “could potentially experience” are vague and ambiguous. Motorola further objects to this Topic to the extent it seeks information outside Motorola’s knowledge, possession, custody or control.

In light of these objections, Motorola will not be providing a witness to testify regarding this Topic at this time.

### **TOPIC 88**

All facts and circumstances that Motorola may rely upon to support a claim for damages based upon a reasonable royalty analysis, including:

- a. The royalty rates and amounts paid or received by Motorola under any patent license, software license, contract, or other licensing agreement entered into as of the service date of this notice that Motorola might rely upon to support a claim for damages.
- b. The nature, scope and terms of any licenses entered into as of the service date of this deposition notice for technology relating to the Motorola Asserted Patents, such as exclusive or non-exclusive; or as restricted or non-restricted in terms of territory; or with respect to whom the manufactured product may be sold.
- c. All facts and circumstances surrounding any attempts by Motorola to license or obtain the right to use or to own any technology relating to or comparable to the Motorola Asserted Patents.
- d. Motorola’s established licensing policy and marketing programs.

### **OBJECTIONS TO TOPIC 88**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to

require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic on the grounds that it combines what should be at least four separate Topics into a single Topic for a single witness. Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola objects to this Topic to the extent it seeks “all” or “any” facts, circumstances or information that relate to a particular subject, on the ground that identifying “all” or “any” facts, circumstances or information would be unduly burdensome, impractical and oppressive and as seeking information neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about price, costs, budgets, “marketing,” and “licensing” for every conceivable Motorola Accused Product or Motorola Practicing Product. Motorola further objects to this Topic to the extent it seeks expert testimony and/or legal conclusions. Motorola objects to this Topic to the extent it seeks Motorola’s contentions which are more appropriately discoverable through interrogatories. Motorola further objects to this Topic to the extent it seeks information outside Motorola’s knowledge, possession, custody or control. Motorola further objects to this Topic because the terms “royalty rates,” “amounts paid or received,” “nature, scope and terms,” “technology relating to,” “exclusive or non-exclusive,” “restricted or non-restricted,” “territory,” “attempts,” “comparable,” “established licensing policy” and “marketing programs” are vague and ambiguous. Motorola objects to this Topic to the extent it is duplicative of other discovery, including interrogatories, request for admission and/or request for production.

In light of these objections, Motorola will not be providing a witness to testify



regarding this Topic at this time.

### **TOPIC 89**

Motorola's policies and practices for setting prices for the Motorola Accused Products and the Motorola Practicing Products.

### **OBJECTIONS TO TOPIC 89**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about price, costs, and budgets for every conceivable Motorola Accused Product or Motorola Practicing Product. Motorola further objects to this Topic because the terms "policies and practices," "allocating," "apportioning," "assigning," "monetary values," and "product features" are vague and ambiguous.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

### **TOPIC 90**

Motorola's policies and practices for allocating, apportioning, or assigning monetary values to different product features implemented in the Motorola Accused Products and the Motorola Practicing Products.

### **OBJECTIONS TO TOPIC 90**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about price, costs, and budgets for every conceivable Motorola Accused Product or Motorola Practicing Product. Motorola further objects to this Topic because the terms “policies and practices,” “allocating,” “apportioning,” “assigning,” “monetary values,” and “product features” are vague and ambiguous.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

#### **TOPIC 91**

Motorola’s policies and practices for comparing features implemented in the Motorola Accused Products and the Motorola Practicing Products to competing products, including, but not limited to, the policies and practices surrounding the allocation, apportionment, or assignment of price differentials or price deltas to features implemented in the Motorola Accused Products and the Motorola Practicing Products in comparison to features implemented in competing products.

#### **OBJECTIONS TO TOPIC 91**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic to the extent it seeks information protected by the attorney-client privilege, work product immunity, or any other applicable privilege or immunity. Motorola

further objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details. Motorola objects to this Topic to the extent that it is overbroad, unduly burdensome, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. For example, this Topic purports to require Motorola to produce one or more witnesses knowledgeable about every conceivable Motorola Accused Product or Motorola Practicing Product and every conceivable non-Motorola product. Motorola further objects to this Topic because the terms “policies and practices,” “comparing features,” “competing products,” “allocation,” “apportionment,” “assignment,” “price differential or price deltas,” and “features” are vague and ambiguous.

Subject to the foregoing General and Specific objections and based on its understanding of the terms used in this Topic, Motorola will designate one or more witnesses to testify in response to this deposition Topic.

## **TOPIC 92**

The identity and location of documents and things concerning the foregoing topics.

## **OBJECTIONS TO TOPIC 92**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic because it purports to cover numerous Topics and Motorola has propounded objections to these Topics. Motorola objects to this Topic on the grounds that it is premature, since Motorola’s document production is not yet complete.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 47, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 47.

### **TOPIC 93**

The identity and location of persons knowledgeable about the foregoing topics.

### **OBJECTIONS TO TOPIC 93**

Subject to and without waiver of any General Objections set forth above, Motorola objects to this Topic as overbroad and unduly burdensome to the extent it purports to require a deponent to memorize and recite during deposition a voluminous amount of specific factual details and to the extent it seeks discovery that is more easily available through other less burdensome means. Motorola further objects to this Topic because it purports to cover numerous Topics and Motorola has propounded objections to these Topics.

Subject to the foregoing General and Specific objections and based on its understanding that this Topic corresponds to Motorola Topic 48, Motorola will be willing to designate one or more witnesses to testify in response to this deposition Topic to the extent it reflects the agreed-upon, narrowed scope of Motorola's Topic 48.

Dated: June 6, 2011

By: /s/ Leslie M. Spencer

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### **CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2011, copies of the foregoing MOTOROLA MOBILITY, INC.'S RESPONSES AND OBJECTIONS TO MICROSOFT CORPORATION'S FIRST NOTICE OF DEPOSITION OF MOTOROLA MOBILITY, INC. PURSUANT TO RULE 30(B)(6), FED. R. CIV. P. was served by e-mail upon the counsel of record included in the attached Service List.

/s/Leslie M. Spencer

Leslie M. Spencer

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