

# EXHIBIT 20

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:10-CV-24063-MORENO/TORRES

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**MOTOROLA MOBILITY, INC.**, )  
Plaintiff, )  
v. )  
**MICROSOFT CORPORATION**, )  
Defendant. )  
\_\_\_\_\_  
**MICROSOFT CORPORATION**, )  
Counterclaim Plaintiff, )  
v. )  
**MOTOROLA MOBILITY, INC.**, )  
Counterclaim Defendant. )  
\_\_\_\_\_

**PLAINTIFF MOTOROLA MOBILITY, INC.'S  
FIRST SET OF INTERROGATORIES (NOS. 1-15)  
TO DEFENDANT MICROSOFT CORPORATION**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff-Counterclaim Defendant Motorola Mobility, Inc. (“Motorola Mobility”) requests that Defendant Counterclaim Plaintiff Microsoft Corporation (“Microsoft”) fully answer in writing and under oath, within thirty (30) days of the service, each of the Interrogatories set forth below.

## **DEFINITIONS AND INSTRUCTIONS**

Each individual Interrogatory in this First Set of Interrogatories is subject to and incorporates the following definitions and instructions as used herein.

### **DEFINITIONS**

1. "Motorola Mobility" or "Plaintiff" means, collectively and individually, Motorola Mobility, Inc., and all its predecessors or successors (merged, acquired, or otherwise), parents, divisions, subsidiaries, and affiliates thereof, and all officers, agents, employees, counsel and other persons acting on its behalf, or any other person or entity subject to Motorola Mobility's control, or which controls Motorola Mobility, including but not limited to Motorola, Inc..
2. "Microsoft," "Microsoft Corporation," or "Defendant" means, collectively and individually, Microsoft Corporation, and all its predecessors or successors (merged, acquired, or otherwise), parents, divisions, subsidiaries, and affiliates thereof, and all officers, agents, employees, counsel and other persons acting on its behalf, or any other person or entity subject to Microsoft's control, or which controls Microsoft.
3. "Person" means any natural person or individual, and any and all legal entities, including without limitation, corporations, companies, firms, partnerships, joint ventures, proprietorships, associations, governmental bodies or agencies, or other form of business enterprise.
4. The terms "and" and "or" are terms of inclusion and not of exclusion and are to be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any documents or responses which might be otherwise construed to be outside the scope of these requests.
5. The term "any" includes "all," and the term "all" includes "any."

6. The singular of any term includes the plural of that term, and the plural includes the singular.

7. The term "concerning" means identifying, referring to, concerning, regarding, evidencing, demonstrating, summarizing, reflecting, constituting, containing, embodying, mentioning, pertaining to, commenting upon, connected with, discussing, describing, analyzing, showing, comprising, or relating to in any relevant way to a particular subject, in whole or in part, either directly or indirectly.

8. "Document" shall have the broadest meaning and scope ascribed under Rule 34 of the Federal Rules of Civil Procedure, and include all tangible things which come within the meaning of the terms "writings and recordings," as used in Federal Rule of Evidence 1001 and all electronically stored information. A draft or non-identical copy is a separate document within the meaning of this term.

9. "Electronically stored information" means information created, manipulated, communicated, stored, and/or best utilized in any type of electronic, magnetic or any other non-paper form or machine-readable medium.

10. "Communication" means any transmission, exchange, or transfer of information by any means regardless of content, format and medium.

11. "Identify" or "identity" with respect to a natural person or individual means providing at least the following information for him or her: (a) full name; (b) present address and telephone number, or if not known, last known address and telephone number; (c) current employer; (d) title or position; and (e) employment duties, functions, and/or responsibilities.

12. "Identify" or "identity" with respect to Microsoft's products, devices, or other articles of manufacture means providing the following information: (a) any designation used

internally by Microsoft or Microsoft's employees for that product, device, or article of manufacture, including formal or informal nicknames; and (b) any designation used publicly by Microsoft or Microsoft's employees for that product, device, or article of manufacture, including but not limited to the part or model number and name.

13. "Identify" or "identity" with respect to communications means providing the following information: (a) the identity of the person(s) creating such communication; (b) the identity of the recipient(s) of such communication; (c) the date of the communication; and (d) the nature, substance, and contents of the communication.

14. "Concurrent Litigation" refers to any pending litigation between Motorola and Microsoft, including but not limited to Civil Action Nos. 3:10-CV-00699 (W.D. Wis.), 3:10-CV-00700 (W.D. Wis.), and 3:10-cv-00826 (W.D. Wis.); 2:10-cv-01823-JLR (W.D. Wash.); and ITC Investigation Nos. 337-TA-744 and 337-TA-752.

15. "'839 Patent" means U.S. Patent No. 5,502,839.

16. "'899 Patent" means U.S. Patent No. 5,764,899.

17. "'001 Patent" means U.S. Patent No. 5,784,001.

18. "'333 Patent" means U.S. Patent No. 6,272,333.

19. "'176 Patent" means U.S. Patent No. 6,408,176.

20. "'544 Patent" means U.S. Patent No. 6,757,544.

21. "'370 Patent" means U.S. Patent No. 6,983,370.

22. "Application" means any patent application or similar document submitted or filed anywhere in the world, including but not limited to any provisional application, continuing application, continuation-in-part application, divisional application, file-wrapper continuation, reexamination proceeding, reissue application, and abandoned application.

23. “Asserted Patents” means the “‘839 Patent”; the “‘899 Patent”; the “‘001 Patent”; the “‘333 Patent”; the “‘176 Patent”; the “‘544 Patent”; and the “‘370 Patent” (collectively, or individually).

24. “Related Patents and Applications” means any patent or Application submitted or filed anywhere in the world that is related to any Asserted Patent, including but not limited to any patent or Application that (i) claims priority in whole or in part to or from any Asserted Patent, (ii) is the basis for a claim of priority in whole or in part for any Asserted Patent, or (iii) discloses the same subject matter as any Asserted Patent.

25. “Accused Windows Technology” means all Microsoft Windows® operating system technology released since 2004, including but not limited to Windows Vista, Windows 7, Windows Phone 7, Windows Phone 6.5, Windows Server 2008, Windows Server 2008 R2, Windows CE, Windows Embedded Compact and all other Microsoft Windows® products, including those identified at <http://www.microsoft.com/windows/products/default.aspx>.

26. “Application Programming Interface” means any software rules, specifications, instruction sets, programs, routines, data structures, object classes, commands or protocols designed or operable to facilitate communication between two different software applications or programs.

27. “Graphics” means any visual representation of data in an electronic medium, including but not limited to graphics, bitmaps, images, symbols, icons, cursors, animation or other media, and all constituents thereof such as points, lines, curves, shapes and polygons.

28. “Accused Graphics Technology” means any Microsoft Application Programming Interface or other Microsoft software released since 2004 and designed or operable to build, draw, render, generate or composite Graphics, including but not limited to DirectDraw, DirectX,

Direct2D, Direct3D 9Ex, DirectX 10 and DirectX Next, Direct3D 10, Direct3D 11, Windows Presentation Foundation (WPF) (any and all versions), Microsoft Silverlight (any and all versions, including Microsoft Silverlight for Windows Phone), Microsoft Surface and Microsoft XNA Framework (any and all versions).

29. “Messaging” means any direct communication or transmission of information in human-usable form between two or more people using personal computers, phones or mobile devices along with client software, such information including but not limited to e-mail messages, instant messages, chat messages, text messages, short messaging service (SMS) messages, multimedia messaging service (MMS) messages, and voicemail messages.

30. “Accused Messaging Technology” means all Microsoft products, software, instruction sets, programs, routines, data structures, object classes, commands or protocols, released since 2004 and designed or operable to implement Messaging, including but not limited to Microsoft Exchange Server (any and all versions), Exchange ActiveSync (any and all versions, including versions 2.0, 2.1, 2.5, 12.0, 12.1, 14.0, and 14.1) and all server-side and client-side components of Exchange ActiveSync, Exchange Server Unified Messaging Server Role (any and all versions), Microsoft Office Communications Server (any and all versions), Lync Server (any and all versions), Microsoft Office Communications Server (any and all versions), Exchange Online, Lync Online, Office Communications Online, Office 365, Lync 2010 client (including Microsoft Lync 2010, Microsoft Communicator for Mac 2011, Microsoft Lync 2010 Mobile), Microsoft Office Communicator client (any and all versions), Windows Live Hotmail (any and all versions), Windows Live Messenger (any and all versions, including versions 8.0, 8.1, 8.5, 14.0 (Windows Live Messenger 2009), and 15.0 (Windows Live Messenger 2011)), Windows Live Messenger for Mobile (any and all versions), MSN Messenger

(any and all versions, including versions 6.0, 6.2, 7.0, and 7.5), Messenger for Mac (any and all versions, including versions 6.0, 6.03, 7.01, 7.02, and 8.0), Microsoft Notification Protocol, Mobile Status Notification Protocol (MSNP), and Microsoft's .NET Messenger Service.

31. “Accused Application Registry Technology” means all Microsoft products, software, instruction sets, programs, routines, data structures, object classes, commands or protocols released since 2004 and designed or operable to present, register, transfer, download, upload, copy or manage software applications executable on a phone or mobile device, including but not limited to Marketplace (for Windows Phone 7) and Windows Marketplace for Mobile.

32. “Accused Location-Based Technology” means all Microsoft products, software, instruction sets, programs, routines, data structures, object classes, commands or protocols released since 2004 and designed or operable to provide maps or other information determined based on location or geography, including but not limited to Bing Maps, Bing Maps (or Bing) for Mobile, Bing Maps Platform, Bing Maps for Enterprise, and Bing Maps Server, and all Application Programming Interfaces for Bing Maps, including but not limited to Bing Maps AJAX Control, Bing Maps Silverlight Control, Bing Maps SOAP Services, Bing Maps REST Services, and Bing Spatial Data Services.

33. “Accused Products” includes all Accused Windows Technology, Accused Graphics Technology, Accused Messaging Technology, Accused Application Registry Technology, and Accused Location-Based Technology.

34. “Prior Art” means any publication, patent, physical device, prototype, product, use, sale, offer for sale, or other activity concerning the subject matter of the Asserted Patents and existing on, or occurring at, a date such as to be relevant under any subdivision of 35 U.S.C. §§ 102 or 103.

35. “Infringe” and “infringement” means any and all types of patent infringement set forth in 35 U.S.C. § 271, including but not limited to direct infringement, contributory infringement, active inducement of infringement, literal infringement, and/or infringement under the doctrine of equivalents.

36. “Technical Documentation” means documents that relate to structure, electronic circuitry, operation, function, and/or features, including but not limited to user guides, user manuals, reference manuals, service manuals, product manuals, use cases, product descriptions, white papers, administrator guides, installation guides, technical manuals, technical specifications, functional specifications, software manuals, software design documents, memory maps, block diagrams, theory of operation documents, road maps, datasheets, schematics, computer screen shots, prototype designs, assembly drawings, engineering drawings, software design drawings or software programming code samples, and Microsoft Internet resources (including Microsoft TechNet, Microsoft Developer Network (MSDN), and Microsoft Support).

37. “‘536 Patent” means U.S. Patent No. 6,791,536.

38. “‘853 Patent” means U.S. Patent No. 6,897,853.

39. “‘214 Patent” means U.S. Patent No. 7,024,214.

40. “‘130 Patent” means U.S. Patent No. 7,493,130.

41. “‘460 Patent” means U.S. Patent No. 7,383,460.

42. “‘904 Patent” means U.S. Patent No. 6,897,904.

43. “‘901 Patent” means U.S. Patent No. 6,785,901.

44. “Microsoft Counterclaim Patents” means the ‘536 Patent, the ‘853 Patent, the ‘214 Patent, the ‘130 Patent, the ‘460 Patent, the ‘904 Patent, and the ‘901 Patent (collectively, or individually).

45. "Accused Motorola Products" means all Motorola products and services that Microsoft has alleged infringe one or more Microsoft Counterclaim Patents in this action, including but not limited to the Motorola Droid 2, the Motorola Droid X, the Motorola DCH6416, and the Motorola BMC9012.

**INSTRUCTIONS**

1. Each Interrogatory requests that each and every part and particular thereof be answered with the same force and effect as if each part and particular were the subject of, and were asked by, a separate Interrogatory. Where an Interrogatory relates to more than one person or subject, it is to be answered as to each such person or subject separately.
2. Microsoft should furnish all information which is available to it as of the date of its answers to these Interrogatories. If Microsoft is unable to answer any of the Interrogatories fully and completely, after exercising due diligence to secure the information necessary to make such full and complete answer, so state, and answer each such Interrogatory to the fullest extent possible, specifying the extent of Microsoft's knowledge and inability to answer the remainder, setting forth whatever information or knowledge Microsoft possesses concerning the unanswered portions thereof and the efforts made to obtain the requested information.
3. With respect to the answer to each Interrogatory, or subpart thereof, identify all Persons and Documents consulted in preparing an answer thereto, and state the source of the information given therein with as much particularity as is reasonably possible, including, without limitation, the identity of each Person who provided any information included in such answer. In addition, identify each other Person known or believed to have some or all of the information sought in such Interrogatory or subpart thereof.

4. When an Interrogatory or any of its subparts calls for the factual basis of any of Microsoft's allegations or any of its answers, the request calls Microsoft to set forth and describe each Document which Microsoft contends tends to support its allegation or answer and identify each Person who possesses facts supporting the allegation or answer.

5. If any document or thing is withheld subject to a claim of attorney-client privilege, attorney work product immunity, or any other privilege or immunity from disclosure, Microsoft shall describe in sufficient detail the nature of the information withheld, its date, a description of the subject matter, the names and addresses of all Persons participating in the protected communication, and a statement of the grounds for withholding the information, such that will enable other parties to assess the claim of privilege or immunity.

6. If any Interrogatory is answered by reference to a Document, identify and produce the Document containing the requested information.

a) If, in responding to any of these Interrogatories, Microsoft reviews or relies on documents that it has not previously produced in this litigation, Microsoft is requested to produce the documents and identify each document reviewed or relied upon.

b) If Microsoft responds to any of these Interrogatories by specifying its business records pursuant to Fed. R. Civ. P 33(d), Microsoft is requested to identify each business record by production number(s).

7. Documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond to the Interrogatory to which they are responsive. If a Document is responsive to more than one Interrogatory it shall be labeled to correspond to each numbered Interrogatory to which it is responsive.

8. These Interrogatories are continuing in nature, and responses must be supplemented in accordance with Fed. R. Civ. P 26(e). If additional information is later discovered that is responsive to these Interrogatories, supplemental responses disclosing that information must be submitted as promptly as possible.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1**

Separately for each release and/or version of each of the Accused Products, if Microsoft contends that such product does not meet each and every limitation of any claim of the Asserted Patents, please provide the legal and factual bases for Microsoft's contention(s), including:

- (a) the identity of any claim term(s) of the Asserted Patents that Microsoft contends requires construction, how Microsoft contends that such term(s) should be construed, and the intrinsic evidence (i.e. specific portions of claim language, specification language, and the prosecution history) and extrinsic evidence that supports such a construction;
- (b) the identity of each claim element that Microsoft contends is not literally satisfied by such product or the use thereof, and a full explanation as to why it is not;
- (c) for each element that Microsoft contends is not literally satisfied, a full explanation of why it is not satisfied under the doctrine of equivalents in light of both the function/way/result test and the insubstantial differences test;
- (d) the full basis for any contention that the application of the doctrine of equivalents is limited such as by prosecution history estoppel; and
- (e) the identity of the person(s) most knowledgeable concerning the facts underlying each such contention.

### **INTERROGATORY NO. 2**

Separately for each release and/or version of each of the Accused Products, if Microsoft contends that it does not indirectly infringe any of the Asserted Patents by inducement of infringement, please provide the full legal and factual bases for Microsoft's contention(s) and the identity of the person(s) most knowledgeable concerning the facts underlying each such contention.

### **INTERROGATORY NO. 3**

Separately for each release and/or version of each of the Accused Products, if Microsoft contends that it does not indirectly infringe any of the Asserted Patents through contributory infringement, please provide the full legal and factual bases for Microsoft's contention(s), including whether and why Microsoft contends that the product is (a) not especially made or especially adapted for use in an infringement of such patent; (b) a staple article or commodity of commerce suitable for substantial noninfringing uses, and the identity of the person(s) most knowledgeable concerning the facts underlying each such contention.

### **INTERROGATORY NO. 4**

Separately for each claim, if any, of the Asserted Patents that Microsoft contends is invalid under 35 U.S.C. §§ 101, 112, 113 or 133 or on any other basis, please describe in detail:

- (a) all factual and legal bases for Microsoft's contention that the claim is invalid;
- (b) the identity of all documents tending to support or refute each such contention;  
and
- (c) the identity of the person(s) most knowledgeable concerning the facts underlying each such contention.

## **INTERROGATORY NO. 5**

Separately for each claim, if any, of the Asserted Patents that Microsoft contends is invalid as anticipated under 35 U.S.C. § 102, please:

- (a) identify all prior art on which Microsoft relies;
- (b) identify under what subsection(s), if any, of § 102 each reference, activity, etc. qualifies as prior art;
- (c) identify the effective date for each piece of prior art;
- (d) identify specifically how the prior art anticipates or renders obvious the claim on an element by element (e.g., claim chart) basis; and
- (e) identify the person(s) most knowledgeable concerning the facts underlying each such contention.

## **INTERROGATORY NO. 6**

Separately for each claim, if any, of the Asserted Patents that Microsoft contends is invalid for obviousness under 35 U.S.C. § 103, please:

- (a) identify all prior art on which Microsoft relies and explain how the prior art is to be modified and/or combined;
- (b) identify the reason, motivation, suggestion and/or teaching to modify or combine the prior art in such a manner;
- (c) identify all evidence that supports Microsoft's obviousness contentions; and
- (d) identify the person(s) most knowledgeable concerning the facts underlying each such contention.

### **INTERROGATORY NO. 7**

Please state Microsoft's contention(s) as to the field of art and the level of ordinary skill in that art pertinent to the issue of obviousness/nonobviousness under 35 U.S.C. § 103 with respect to each of the Asserted Patents and identify the person(s) most knowledgeable concerning the facts underlying each such contention.

### **INTERROGATORY NO. 8**

Please state in detail all factual and legal bases for Microsoft's contention(s), if any, regarding any "objective evidence" or "secondary considerations" of non-obviousness for each of the Asserted Patents in accordance with, for example, *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966), and identify the person(s) most knowledgeable concerning the facts underlying each such contention.

### **INTERROGATORY NO. 9**

Separately for each, if any, of the Asserted Patents to which Microsoft contends that it has any Affirmative Defense(s) to a claim of infringement that has not been specifically addressed by the preceding interrogatories, please describe in detail all factual and legal bases for Microsoft's contention(s), including the identity of all documents tending to support or refute any such contention, and the identity of the person(s) most knowledgeable concerning the facts underlying any such contention.

### **INTERROGATORY NO. 10**

Separately for each release and/or version of each of the Accused Products, identify in descending order of knowledge the three persons currently or formerly employed by Microsoft who are most knowledgeable about each of the following topics concerning each Accused Product:

- (a) structure, operation, and function;

- (b) design and development;
- (c) source code and object code;
- (d) Application Programming Interfaces and communication protocols, if any;
- (e) testing and deployment;
- (f) marketing, advertising, and promotion;
- (g) any formal or informal training, technical support, and customer feedback;
- (h) offers for sale;
- (i) licensing;
- (j) pricing;
- (k) sales;
- (l) financial reporting;
- (m) business planning and product management;
- (n) competition for licensing or sales of the Accused Products, in the United States; and
- (o) any formal or informal tests, studies, comparisons, analyses, or reports, in any form, involving, referring, or relating to the Accused Products.

#### **INTERROGATORY NO. 11**

Separately for any product for which any efforts were made to design around any of the Asserted Patents to avoid infringing any claim of such patent, identify such product(s) and patent(s), describe those design-around effort(s), and identify in descending order of knowledge the three persons currently or formerly employed by Microsoft who are most knowledgeable about the facts and circumstances concerning those design-around efforts.

### **INTERROGATORY NO. 12**

Identify and describe the circumstances under which Microsoft first became aware of each of the Asserted Patents, including without limitation an identification of the source, circumstances and timing of such awareness, an identification of all documents and communications evincing such awareness, and all actions taken by or on behalf of Microsoft, its directors, its officers, and its employees to evaluate or avoid infringing any such patent once Microsoft became aware of each of the patents.

### **INTERROGATORY NO. 13**

Identify and describe the results of all analyses, investigations, evaluations or other studies known to Microsoft concerning the Asserted Patents, including analyses, investigations, evaluations and studies concerning infringement/non-infringement, validity/invalidity (including but not limited to any searches for prior art), enforceability/unenforceability, patentability, scope, or interpretation of any claim of any of the Asserted Patents, including without limitation the dates of any such study, the persons who conducted or prepared it, the persons who received or to whom such study was reported, the subject matter of the study, and all documents constituting, referring or relating thereto.

### **INTERROGATORY NO. 14**

Separately for each release and/or version of each of the Accused Products and on a quarterly and annual basis from January 2004 through the present, provide the:

- (a) total sales and/or revenues (in gross revenues, net revenues, and units)attributable to sale or license of the Accused Product: (i) in the United States; and (ii) outside of the United States;
- (b) itemized costs (including fixed, variable, and incremental), including but not limited to any licensing fees, payments (including settlement payments), or

royalties paid by Microsoft in connection with an Accused Product (or any component or element thereof), and specifying: (i) the name of the licensor, payee or royalty recipient; (ii) the amount of each such fee, payment or royalty; (iii) the time period during which such fee, payment or royalty was paid; and (iv) the name of the product, component and/or element to which such fee, payment or royalty relates; and

(c) profits (gross and net).

**INTERROGATORY NO. 15**

Separately, for each claim of each of the Microsoft Counterclaim Patents alleged to be infringed by Motorola, either directly or indirectly, specifically identify each and every product, apparatus, or method that Microsoft asserts is infringing; and state the legal and factual bases for Microsoft's contention(s), including:

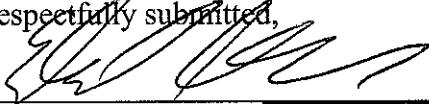
- (a) whether Microsoft contends that the alleged infringement is direct infringement, induced infringement, and/or contributory infringement;
- (b) whether the alleged infringement is literal, under the doctrine of equivalents, or both;
- (c) describe in detail where each element, limitation, or step of each claim is found, *i.e.*, read each claim on each accused product, apparatus, and method by providing, separately for each claim element and product or activity, a claim-element by claim-element comparison of each claim to the corresponding structure or function of the accused product or activity.
- (d) the identity of any claim term(s) of the Microsoft Counterclaim Patents that Microsoft contends requires construction, how Microsoft contends that such term(s) should be construed, and the intrinsic evidence (*i.e.* specific portions of

claim language, specification language, and the prosecution history) and extrinsic evidence that supports such a construction;

(e) the identity of the person(s) most knowledgeable concerning the facts underlying each such contention.

January 21, 2011

Respectfully submitted,



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Edward M. Mullins, Fla. Bar No. 863920  
[emullins@astidavis.com](mailto:emullins@astidavis.com)  
Hal M. Lucas, Fla. Bar No. 0853011  
[hlucas@astidavis.com](mailto:hlucas@astidavis.com)  
Astigarraga Davis Mullins  
& Grossman, P.A.  
701 Brickell Avenue, 16th Floor  
Miami, FL 33131  
Tel.: (305) 372-8282; Fax. (305) 372-8202

Local Counsel for Plaintiff,  
MOTOROLA MOBILITY, INC.

*Of Counsel:*

Jesse J. Jenner  
(admitted *pro hac vice*)  
Steven Pepe  
(admitted *pro hac vice*)  
Ropes & Gray LLP  
1211 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 596-9000  
Facsimile: (212) 596-9090

Norman H. Beamer  
(admitted *pro hac vice*)  
Mark D. Rowland  
(admitted *pro hac vice*)  
Gabrielle E. Higgins

(admitted *pro hac vice*)  
Ropes & Gray LLP  
1900 University Avenue, 6th Floor  
East Palo Alto, CA 94303  
Telephone: (650) 617-4000  
Facsimile: (650) 617-4090

Lead Counsel for Plaintiff,  
MOTOROLA MOBILITY, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Plaintiff Motorola Mobility, Inc.'s First Set Of Interrogatories (Nos. 1-15) To Defendant Microsoft Corporation was caused to be served this day by hand upon the counsel of record included in the attached Service List.



Edward M. Mullins

**SERVICE LIST**

*Motorola Mobility, Inc. v. Microsoft Corp.*, Case No. 1:10-cv-24063-MORENO/TORRES

Roberto Martinez, Esq.  
Curtis Miner, Esq.  
COLSON HICKS EIDSON  
255 Alhambra Circle, Penthouse  
Coral Gables, Florida 33134  
*Attorneys for Defendant and Counterclaim Plaintiff, Microsoft Corporation*

*Of Counsel:*

David T. Pritikin  
Richard A. Cederoth  
Douglas I. Lewis  
John W. McBride  
SIDLEY AUSTIN LLP  
One South Dearborn  
Chicago, IL 60603

Brian R. Nester  
Kevin C. Wheeler  
SIDLEY AUSTIN LLP  
1501 K Street NW  
Washington, DC 20005