

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

Case No. 1:10-24063-CIV-MORENO

MOTOROLA MOBILITY, INC.,

Plaintiff / Counterclaim Defendant,

v.

MICROSOFT CORPORATION,

Defendant / Counterclaim Plaintiff.

/

**DECLARATION OF R. ANDREW SCHWENTKER IN SUPPORT OF
MOTOROLA MOBILITY, INC.'S MOTIONS *IN LIMINE***

1. I am an attorney at the law firm of Ropes & Gray LLP, counsel to Motorola Mobility, Inc. (“Motorola”), Plaintiff and Counterclaim-Defendant in this action, and am a member in good standing of the bars of the State of New York and the District of Columbia.

2. I submit this declaration in support of Motorola Mobility, Inc.’s Motions *in Limine*. I have personal knowledge of the statements made in this declaration.

3. Attached as Exhibit A is a true and correct copy of e-mail correspondence between counsel for Motorola and counsel for Microsoft Corporation on and between the dates of May 6, 2011 and July 7, 2011.

4. I have been informed that Microsoft has deposed fourteen current Motorola employees.

5. Attached as Exhibit B is a true and correct copy of Motorola’s Updated Proposed Claim Constructions for the Patents-in-Suit, dated June 3, 2011.

6. Attached as Exhibit C is a true and correct copy of Defendant Microsoft Corporation’s Disclosure of Proposed Claim Constructions, dated June 3, 2011.

7. Attached as Exhibit D is a true and correct copy of selected pages from Motorola Mobility, Inc.’s First Set of Interrogatories (Nos. 1-15) to Defendant Microsoft Corporation, dated January 21, 2011.

8. Attached as Exhibit E is a true and correct copy of Defendant/Counter-Claimant Microsoft Corporation’s Preliminary Infringement Contentions, dated April 15, 2011 (“Microsoft’s Infringement Contentions”).

9. Attached as Exhibit F is a true and correct copy of Microsoft’s infringement contentions for U.S. Patent No. 6,791,536, served with Microsoft’s Infringement Contentions on April 15, 2011.

10. Attached as Exhibit G is a true and correct copy of Microsoft's infringement contentions for U.S. Patent No. 6,897,853, served with Microsoft's Infringement Contentions on April 15, 2011.

11. Attached as Exhibit H is a true and correct copy of Microsoft's infringement contentions for U.S. Patent No. 7,024,214, served with Microsoft's Infringement Contentions on April 15, 2011.

12. Attached as Exhibit I is a true and correct copy of Microsoft's infringement contentions for U.S. Patent No. 7,493,130, served with Microsoft's Infringement Contentions on April 15, 2011.

13. Attached as Exhibit J is a true and correct copy of Microsoft's infringement contentions for U.S. Patent No. 7,383,460, served with Microsoft's Infringement Contentions on April 15, 2011.

14. Attached as Exhibit K is a true and correct copy of Microsoft's infringement contentions for U.S. Patent No. 6,897,904, served with Microsoft's Infringement Contentions on April 15, 2011.

15. Attached as Exhibit L is a true and correct copy of Microsoft's infringement contentions for U.S. Patent No. 6,785,901, served with Microsoft's Infringement Contentions on April 15, 2011.

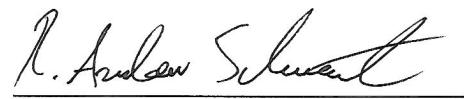
16. Attached as Exhibit M is a true and correct copy of selected pages from Defendant Microsoft Corporation's Supplemental Objections and Responses to Plaintiff Motorola Mobility, Inc.'s First Set of Interrogatories (Nos. 4-6, 9-10 and 15), dated April 28, 2011.

17. I have been informed that Motorola made the source code for all but one of the accused products available for Microsoft's inspection by May 18, 2011 (source code for certain products was available prior to that date). I have also been informed that the source code for the

remaining product, Motorola's Xoom tablet, was made available for inspection on June 20, 2011, following final release of the code.

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

Executed on July 21, 2011.

A handwritten signature in black ink, appearing to read "R. Andrew Schwentker", is written over a horizontal line.

R. Andrew Schwentker