

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:10-CIV-24063-MORENO

MOTOROLA MOBILITY, INC.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant.

DECLARATION OF DAVID KAEFER

1. My name is David Kaefter. I am the General Manager, Intellectual Property and Licensing, at defendant Microsoft Corporation. I have personal knowledge of the facts herein. I am competent to testify to all of the facts herein.

2. Attached hereto as Group Exhibit 1 are several pages containing background information about Microsoft Corporation from the official Microsoft website publically available at www.microsoft.com.

3. Microsoft is organized under the laws of the State of Washington. Microsoft maintains its corporate headquarters in Redmond, Washington, which is located within the Western District of Washington.¹

¹ <http://www.microsoft.com/worldwide/phone/contact.aspx?country=United%20States> (Group Exhibit 1, p. 1).

4. Microsoft employs over 40,000 employees in the Puget Sound (Seattle) area and is one of the region's largest employers. Microsoft occupies nearly 8 million square feet of facilities at its Redmond campus.²

5. I understand that in its infringement contentions, Motorola Mobility, Inc. ("Motorola") asserted that the following Microsoft products (collectively referred to as the "Accused Microsoft Products" elsewhere in this declaration) infringe one or more of Motorola's patents:

- Windows 7 with Silverlight
- Windows 7 with Windows Presentation Foundation
- Windows 7 with Direct2D
- MS Exchange Server 2010 with Exchange ActiveSync
- Windows Live Messenger 2011
- Windows Phone 7
- Windows Phone 7 with Windows Marketplace
- Windows Mobile 6.5 with Windows Marketplace
- Exchange Server 2010 with Unified Messaging, Lync Server 2010, Lync 2010 and Outlook 2010
- Exchange Server 2010 with Unified Messaging, Communications Server 2007, Communicator 2007 and Outlook 2010
- Office 365 with Exchange Server 2010 or Exchange Online – Unified Messaging, Lync Server 2010, Lync Server 2010 Edge Server, and/or Lync Online, Lync 2010 and Outlook 2010

² http://www.microsoft.com/presspass/insidefacts_ms.aspx (Group Exhibit 1, pp. 4-5).

- Bing Maps for smartphones
- Bing Local for smartphones
- Linc Server 2010 with Lync 2010 (and optionally one or more of Exchange Server 2010, SQL Server and Group Chat Server)

6. Redmond, Washington is Microsoft's headquarters for its global business operations. Microsoft maintains a business campus of over 40 buildings in and around Redmond, in which a large percentage of its Puget Sound area employees work daily. Microsoft also owns and leases office space in nearby locations, such as Kirkland and Bellevue and Seattle, Washington. Microsoft's main research and development facilities are located on its main campus in Redmond, Washington.³ Microsoft Research was founded on the Microsoft Redmond campus, and most of its computer scientists still work at this location.

7. The Windows Phone group, which is responsible for, among other things, the design and development of Windows Mobile 6.5, Windows Phone 7, and Marketplace, operates out of Microsoft's facilities in the Puget Sound area, primarily from its main campus in Redmond, Washington.

8. The Windows group, which is responsible for, among other things, the design and development of Windows 7, Silverlight, Windows Presentation Foundation, Direct2D, and Windows Live Messenger 2011, operates out of Microsoft's facilities in the Puget Sound area, primarily from its main campus in Redmond, Washington.

9. The Exchange organization, which is responsible for, among other things, the design and development of Exchange Server 2010 and Exchange ActiveSync, operates out of

³ <http://research.microsoft.com/en-us/labs/redmond/> (Group Exhibit 1, p. 6).

Microsoft's facilities in the Puget Sound area, primarily from its main campus in Redmond, Washington.

10. The Office Communications Group, which is responsible for, among other things, the design and development of Lync, Lync Server, Unified Messaging operates out of Microsoft's facilities in the Puget Sound area, primarily from its main campus in Redmond, Washington.

11. Most, if not all, relevant documents, emails, and other electronic files concerning the development of the Accused Microsoft Products listed above are maintained in Redmond.

12. I understand that in response to Motorola's Interrogatory No. 10, requesting the identity of persons currently or formerly employed at Microsoft who are most knowledgeable in regards to fifteen categories of topics relating to the Microsoft Accused Products, Microsoft has thus far identified sixteen individuals, all of whom are located in the Western District of Washington. *See* Exhibit 2 (Microsoft's Supplemental Objections and Responses to Motorola's First Set of Interrogatories, Interrogatory No. 10). Specifically, Microsoft has identified:

i. Todd Brix, Senior Director: has potentially relevant knowledge concerning the marketing, sales, and product management of Windows Marketplace. Mr. Brix works in Microsoft's Redmond, Washington facility.

ii. Stephanie Ferguson, General Manager: has potentially relevant knowledge concerning the business planning and product management of Windows Phone 7. Ms. Ferguson works in Microsoft's Redmond, Washington facility.

iii. Glen Copping, Senior Director: has potentially relevant knowledge concerning the financial reporting of Windows Mobile, which includes Windows Mobile 6.5 and Windows Phone 7. Mr. Copping works in Microsoft's Redmond, Washington facility.

- iv. Abolade Gbadegesin, Partner Software Development Engineer: has potentially relevant knowledge concerning technical aspects of Windows Marketplace. Mr. Gbadegesin works in Microsoft's Redmond, Washington facility.
- v. Marcus Ash, Principal Group Program Manager in the Windows Phone Engineering group: has potentially relevant knowledge concerning technical aspects of Bing Maps on Windows Phone 7. Mr. Ash works in Microsoft's Redmond, Washington facility.
- vi. Aidan Marcuss, Senior Director, Windows 7: has potentially relevant knowledge concerning marketing, sales, and product management of Windows 7. Mr. Marcuss works in Microsoft's Redmond, Washington facility.
- vii. Julia White, Senior Director, Exchange: has potentially relevant knowledge concerning marketing, sales, and product management of Exchange and Exchange ActiveSync. Ms. White works in Microsoft's Redmond, Washington facility.
- viii. Joe Binz, General Manager, Office: has potentially relevant knowledge concerning financial reporting of Exchange, Exchange ActiveSync, Lync and Unified Messaging. Mr. Binz works in Microsoft's Redmond, Washington facility.
- ix. Ed Hott, Principal Program Manager, Exchange Development Engineering: has potentially relevant knowledge concerning technical aspects of Exchange and Exchange ActiveSync. Mr. Hott works in Microsoft's Redmond, Washington facility.
- x. Greg Bolles, Principal Development Lead, Exchange ActiveSync: has potentially relevant knowledge concerning technical aspects of Exchange and Exchange ActiveSync. Mr. Bolles works in Microsoft's Redmond, Washington facility.

xi. Fil Alleva, Partner Engineering Manager, Speech Development: has potentially relevant knowledge concerning technical aspects of Microsoft's speech engine. Mr. Alleva works in Microsoft's Redmond, Washington facility.

xii. Michael Wilson, Principal Program Manager, Exchange: has potentially relevant knowledge concerning technical aspects of Exchange relating to Unified Messaging. Mr. Wilson works in Microsoft's Redmond, Washington facility.

xiii. Kirk Gregerson, Senior Director, Office: has potentially relevant knowledge concerning marketing, sales and product management of Lync and Unified Messaging. Mr. Gregerson works in Microsoft's Redmond, Washington facility.

xiv. Amit Gupta, Principal Group Program Manager: has potentially relevant knowledge concerning technical aspects of Lync. Mr. Gupta works in Microsoft's Redmond, Washington facility.

xv. Dharmesh Mehta, Director, Windows Live Product Management: has potentially relevant knowledge concerning marketing of Windows Live Messenger. Mr. Mehta works in Microsoft's Redmond, Washington facility.

xvi. Adam Czeisler, Principal Development Lead: has potentially relevant knowledge concerning technical aspects of Windows Live Messenger. Mr. Czeisler works in Microsoft's Redmond, Washington facility.

13. Attached hereto as Group Exhibit 3 are the first pages of each of Microsoft's patents-in-suit, in which Microsoft identifies the inventors of those patents.

a. The following inventors of Microsoft's patents-in-suit are currently employed at Microsoft and reside in the Puget Sound area:

i. David F. Jones (Patents '536 and '853)

- ii. William Hong Vong (Patent '536)
 - iii. Robert Jarrett (Patent '853)
 - iv. Shawn Domenic Loveland (Patents '214 and '130)
- b. The following inventors of Microsoft's patents-in-suit are currently employed at Microsoft and reside in the following additional locations:
- i. Bruce Sherwin, Jr. (Patent '460): Connecticut
 - ii. Eric Nelson (Patent '460): United Kingdom
- c. The following inventors are no longer employed at Microsoft and the following locations are their last known address:
- i. Jeff Yaksick (Patent '901): Sunnyvale, California
 - ii. Leroy Keely (Patents '536, '853): Protola Valley, California
 - iii. David Switzer (Patent '536): Seattle, Washington
 - iv. Marieke Iwema (Patent '853): Redmond, Washington
 - v. Peter Potrebic (Patent '904): Calistoga, California
 - vi. Geoffrey Smith (Patent '904): Mountain View, California
 - vii. Charlton E. Lui (patent '853): Marina Del Ray, California
 - viii. Steven Horiwitz (Patent '901): Los Altos, CA
 - ix. Michael Hin-cheung Tsang (Patent '536): Bellevue, WA
 - x. Ryan Edward Cukierman (Patent '853): Redmond, WA
 - xi. Susanne Alysia Clark Cazzanti (Patent '853): Bellevue, WA

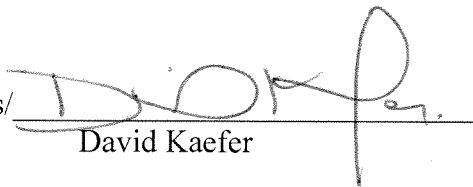
14. None of the research, development or manufacturing related to the Microsoft patents at issue or Microsoft Accused Products occurred in Florida. I am not aware that any inventors of Microsoft's patents reside in Florida.

15. The Microsoft employees knowledgeable about financial matters relating to the Accused Microsoft Products, including the sale, cost, and revenue generated by the products, are located in Washington.

16. I understand that Microsoft has not identified any documents relevant to this litigation that are maintained in the Southern District of Florida.

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

Executed this 17 of May, 2011, at Redmond, Washington.

/s/ 
David Kaefer