

**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 KEVIN J. POST

1. I am an associate at the law firm of Ropes & Gray LLP, counsel to Motorola Mobility, Inc. ("Motorola Mobility"), Plaintiff/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 Opposition to Defendant's Motion to Transfer to the Western District of Washington. Except where explicitly stated otherwise, I have personal knowledge of the statements made herein based on Motorola Mobility's employee records, discussions with individuals listed below and/or review of Motorola Mobility records that are maintained in the ordinary course of business.

3. Attached as Exhibit A is a true and correct copy of selected pages from the prosecution file history for United States Patent No. 6,983,370, which bears production numbers MOTM-24063-008609 to MOTM-24063-0008770.

4. Attached as Exhibit B is a true and correct copy of selected pages from the prosecution file history for United States Patent No. 5,784,001, which bears production numbers MOTM-24063-0000555 to MOTM-24063-0000803.

5. Attached as Exhibit C is a true and correct copy of selected pages from the prosecution file history for United States Patent No. 6,408,176, which bears production numbers MOTM-24063-0000898 to MOTM-24063-0001153.

6. Attached as Exhibit D is a true and correct copy of selected pages from the certified prosecution file history for United States Patent No. 6,272,333, which bears production numbers MOTM-24063-0001653 to MOTM-24063-0001797.

7. Attached as Exhibit E is a true and correct copy of United States Patent No. 5,784,001, which bears production numbers MOTM-24063-0000804 to MOTM-24063-000017 and identifies Joan Deluca as the first-named Inventor.

8. I have been informed that Joan DeLuca currently resides in Boca Raton, FL.
9. Attached as Exhibit F is a true and correct copy of United States Patent No. 6,757,544, which bears production numbers MOTM-24063-0009785 to MOTM-24063-9799 and identifies Senaka Balasuriya as an Inventor.
10. I have been informed that Senaka Balasuriya currently resides in Weston, FL.
11. Attached as Exhibit G is a true and correct copy of United States Patent No. 6,983,370, which bears production numbers MOTM-24063-0008771 to MOTM-24063-0008821 and identifies Eric Thomas Eaton, David Jeffrey Hayes and Von Alan Mock as Inventors.
12. Attached as Exhibit H is a true and correct copy of the Notice of Subpoena to Third Party Eric Thomas Eaton, which identifies his address in Lake Worth, FL.
13. Attached as Exhibit I is a true and correct copy of the Notice of Subpoena to Third Party David Jeffrey Hayes, which identifies his address in Lake Worth, FL.¹
14. Attached as Exhibit J is a true and correct copy of the Notice of Subpoena to Third Party Von Alan Mock, which identifies his address in Boynton Beach, FL.¹
15. Attached as Exhibit K is a true and correct copy of a printed webpage from the United States Patent and Trademark Office's Patent Attorney Database, accessible at <https://oedci.uspto.gov/OEDCI/details.do?regisNum=35743>, showing Michael Zazzara as currently residing in Delray Beach, FL.
16. Attached as Exhibit L is a true and correct copy of a printed webpage from the United States Patent and Trademark Office's Patent Attorney Database, accessible at <https://oedci.uspto.gov/OEDCI/details.do?regisNum=34413>, showing Gregg Rasor as currently residing in Lantana, FL.

¹ The subpoenas attached the parties' agreed motion for a protective order and related documents. Because those materials are not necessary to the resolution of this motion, those particular documents have not been reattached to this Declaration.

17. Attached as Exhibit M is a true and correct copy of a printed webpage from the United States Patent and Trademark Office's Patent Attorney Database, accessible at <https://oedci.uspto.gov/OEDCI/details.do?regisNum=33739>, showing Pablo Meles as currently residing in Weston, FL.

18. Attached as Exhibit N is a true and correct copy of a printed webpage from the United States Patent and Trademark Office's Patent Attorney Database, accessible at <https://oedci.uspto.gov/OEDCI/details.do?regisNum=33308>, showing Philip Macnak as currently residing in West Palm Beach, FL.

19. Attached as Exhibit O is a true and correct copy of a printed webpage from the United States Patent and Trademark Office's Patent Attorney Database, accessible at <https://oedci.uspto.gov/OEDCI/details.do?regisNum=38417>, showing Daniel Crilly as currently working in Fort Lauderdale, FL.

20. I have been informed that Randi Karpinia (formerly known as "Randi Dulaney") is currently employed by non-party Motorola Solutions, Inc. in its Plantation, FL, facility, which is located at 8000 West Sunrise Boulevard, Plantation, FL.

21. Attached as Exhibit P is a true and correct copy of Defendant Microsoft Corporation's Answer and Counterclaims to Plaintiff's First Amended Complaint for Patent Infringement, filed January 25, 2011, in Civil Action No. 3:10-cv-00699 (W.D. Wisc.) (now Case No. 2:10-cv-01823 (W.D. Wash.)).

22. Attached as Group Exhibit Q is a true and correct copy of each of United States Patent Nos. 7,310,374; 7,310,375; and 7,310,376; which were asserted by Motorola Mobility and General Instrument Corporation in Case No. 3:10-cv-00699 (W.D. Wisc.) (now Case No. 2:10-cv-01823 (W.D. Wash.)).

23. Attached as Group Exhibit R is a true and correct copy of each of United States Patent Nos. 6,339,780 and 7,411,582, which were asserted by Microsoft in Case No. 3:10-cv-00699 (W.D. Wisc.) (now Case No. 2:10-cv-01823 (W.D. Wash.)).

24. Attached as Exhibit S is a true and correct copy of Defendant Microsoft Corporation's Answer and Counterclaims to Plaintiff's First Amended Complaint for Patent Infringement, filed March 3, 2011, in Civil Action No. 3:10-cv-00826 (W.D. Wisc.) (now Case No. 2:11-cv-00595 (W.D. Wash.)).

25. Attached as Group Exhibit T is a true and correct copy of each of United States Patent Nos. 6,992,580; 7,106,358; 6,686,931; 7,088,220; and 5,738,583; which were asserted by Motorola Mobility in Case No. No. 3:10-cv-00826 (W.D. Wisc.) (now Case No. 2:11-cv-00595 (W.D. Wash.)).

26. Attached as Group Exhibit U is a true and correct copy of each of United States Patent Nos. 6,374,276; 7,454,718; 6,822,664; 7,421,666; and 6,256,642; which were asserted by Microsoft in Case No. No. 3:10-cv-00826 (W.D. Wisc.) (now Case No. 2:11-cv-00595 (W.D. Wash.)).

27. Attached as Exhibit V is a true and correct copy of Microsoft Corporation's Complaint for Patent Infringement, filed October 1, 2010, in Civil Action No. 2:10-cv-01577 (W.D. Wash.).

28. Attached as Group Exhibit W is a true and correct copy of each of United States Patent Nos. 5,579,517; 5,758,352; 6,621,746; 6,826,762; 6,909,910; 7,644,376; 5,664,133; 6,578,054; and 6,370,566; which were asserted by Microsoft in Case No. No. 2:10-cv-01577 (W.D. Wash.).

29. Attached as Exhibit X is a true and correct copy of an Opinion and Order issued by Judge Barbara B. Crabb in Case No. 3:10-cv-00699 on February 18, 2011.

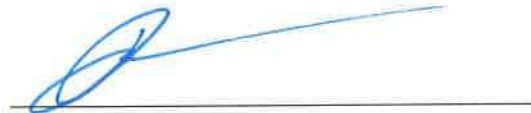
30. Attached as Exhibit Y is a true and correct copy of a webpage printed from http://www.motorola.com/Consumers/US-EN/About_Motorola/Office_Locations and identifying certain Motorola Mobility Office locations, including the Motorola facility in Horsham, PA.

31. Attached as Exhibit Z is a true and correct copy of Judge Robart's Order Granting in Part and Denying in Part Motorola's Motions to Dismiss, Denying Microsoft's Motion to Dismiss and Consolidating Case No. C10-1823JLR and C11-343JLR, which was issued on June 1, 2011, in Case No. 2:10-cv-01823.

32. Attached as Exhibit AA is a true and correct copy of United States Patent No. 7,383,460.

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

Executed on June 6, 2011.



Kevin J. Post