

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC., and NEXT SOFTWARE,
INC. (f/k/a NeXT COMPUTER, INC.),

Plaintiffs and
Counterclaim-
Defendants,

v.

Case No. 10-CV-662 (BBC)

MOTOROLA, INC. and MOTOROLA
MOBILITY, INC.

Defendants and
Counterclaim-
Plaintiffs

**DECLARATION OF WINSLOW B. TAUB IN SUPPORT OF PLAINTIFFS AND
COUNTERCLAIM-DEFENDANTS APPLE INC. AND NEXT SOFTWARE, INC.'S
RESPONSIVE CLAIM CONSTRUCTION MEMORANDUM**

I, Winslow B. Taub, hereby declare:

1. I am an attorney with the law firm of Covington & Burling LLP, counsel of record for Apple Inc. (“Apple”) and NeXT Software (“NeXT”) (collectively “Plaintiffs”) in the above-captioned matter. The matters referenced in this declaration are based on personal knowledge and if called as a witness I could, and would, testify competently to these matters.

2. Attached hereto as Exhibit A is a true and correct copy of Apple’s Infringement Claim Chart, Ex. D-4.

3. Attached hereto as Exhibit B is a true and correct copy of the U.S. Patent No. 6,424,354 Prosecution History, Response to Office Action dated August 28, 2001.

4. Attached hereto as Exhibit C is a true and correct copy of Apple’s Infringement Contentions, Ex. E.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the Expert Report of Susan Spielman on Issues of Infringement and Domestic Industry for United States Patent No. 6,275,983 (“’983”), in ITC Investigation No. 337-TA-710, dated January 26, 2011.

6. Attached hereto as Exhibit E is a true and correct copy of ’983 Prosecution History, Response to Office Action dated November 3, 1999.

7. Attached hereto as Exhibit F is a true and correct copy of ’983 Prosecution History, Office Action dated February 1, 2000.

8. Attached hereto as Exhibit G is a true and correct copy of Apple’s Infringement Contentions, Ex. L.

9. Attached hereto as Exhibit H is a true and correct copy of Apple's Infringement Contentions Ex. B.

10. Attached hereto as Exhibit I is a true and correct copy of the U.S. Patent No. 6,493,002 (“’002”) Prosecution History, Amendment dated January 17, 1997.
11. Attached hereto as Exhibit J is a true and correct copy of ’002 Prosecution History, Office Action dated September 18, 1998.
12. Attached hereto as Exhibit K is a true and correct copy of ’002 Prosecution History, Appeal Brief dated June 1, 2001.
13. Attached hereto as Exhibit L is a true and correct copy of the definition of “pseudo-random number sequence” from the *IEEE 100 The Authoritative Dictionary of IEEE Standard Term*, Seventh Ed. 2000; and the definition of “pseudo-random numbers” from *The Illustrated Dictionary of Electronics*, Fifth Ed. 1991.
14. Attached hereto as Exhibit M is a true and correct copy of excerpts from the deposition of Tyler Brown taken on June 28, 2011.
15. Attached hereto as Exhibit N is a true and correct copy of the certified translation of Japanese Unexamined Patent App. No. S63-167588.
16. Attached hereto as Exhibit O is a true and correct copy of excerpts from the file history of U.S. abandoned patent application number 08/050952, April 21, 1993 “preliminary amendment”.
17. Attached hereto as Exhibit P is a true and correct copy of excerpts from Motorola’s May 17, 2011 Amended Invalidity Contentions.
18. Attached hereto as Exhibit Q is a true and correct copy of U.S. Patent No. 6,371,977.
19. Attached hereto as Exhibit R is a true and correct copy of U.S. Patent No. 5,474,831.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Executed on July 15, 2011 at San Francisco, California.

/s/ Winslow B. Taub
Winslow B. Taub