

EXHIBIT 5

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September 2, 2011

VIA EMAIL

Amanda Williamson
Quinn Emanuel Urquhart & Sullivan LLP
500 West Madison St., Suite 2450
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Re: *Apple v. Motorola, Inc.*, Western District of Wisconsin Case No. 10-CV-662 and
Motorola Mobility v. Apple, Southern District of Florida Case No. 1:10-cv-023580

Dear Amanda:

We write to confirm our discussion of yesterday regarding Apple's request for the supplementation of its responses to discovery requests in light of Google's announcement of its intention to merge with Motorola Mobility. The requests discussed include those identified in our August 22, 2011 letter.¹

As an initial matter, we reiterate our request for the expedited production of certain documentation identified in the Agreement and Plan of Merger, including the Disclosure Letter identified in Article III of the Plan of Merger. As we explained, we believe the Disclosure Letter provides further details on the restrictions to Motorola's ability to license the Motorola Patents-in-Suit and, accordingly, is relevant to at least Apple's FRAND defenses of equitable estoppel and unclean hands.² The deadline to file expert reports on these defenses is September 13. Accordingly, we require expedited production of this document or we will be prejudiced.

Notwithstanding this explanation, you were unable to say (1) whether Motorola would agree to produce the Disclosure Letter or (2) when you could tell us whether Motorola would

¹ Wisconsin Interrogatory No. 14; Wisconsin Request for Production Nos. 4, 7, 10, 33, 37-39, 41, 44, 45, 58, 59, 68, 79, 80, and 82; and Florida Request for Production Nos. 5, 7, 10, 32, 35-37, 39, 42, 43 and 62

² We also explained that the Disclosure Letter was responsive to at least Request for Production Nos. 68 and 82.

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agree to produce the Disclosure Letter. You would only commit to produce the Disclosure Letter “in the normal course” *if* Motorola decided the letter was responsive.

Motorola’s failure to produce the Disclosure Letter before the expert report deadline is prejudicing Apple. Apple must evaluate the Disclosure Letter for its expert reports. Please let us know by Tuesday whether Motorola will produce the Disclosure Letter before September 13.

We also discussed Apple’s request for the production of certain documents and supplementation of the interrogatories relating to Motorola’s plan to merge with Google. We explained that these documents are responsive to our document requests and contain information relevant to many issues at stake in this case including, (1) the valuation of the Motorola Patents-in-Suit and Motorola products embodying the Motorola Patents-in-Suit; (2) business plans, financial reports, and analyses of Motorola; (3) the licensing or sub-licensing of the Motorola Patents-in-Suit and Motorola’s continuing ability or inability to license those patents; and (4) assessments of Apple’s claims against Motorola. While you explained that Motorola is currently investigating whether documents responsive to these requests exist, you were again unable to commit to the production of responsive documents or provide a timeframe for production.

We also discussed that the majority of Motorola’s responses state that Motorola will produce responsive documents following a meet and confer to narrow the scope of the requests. We requested that Motorola provide us with a letter explaining Motorola’s specific overbreadth objections for these requests and stating the scope of documents Motorola is willing to produce for each request. We asked that Motorola provide this information not only with respect to the requests relating to the merger, but with respect to all of Motorola’s similar responses to our outstanding requests.

Unfortunately, you would not commit to providing an explanation of Motorola’s objections or the scope of production Motorola is willing to make until after the expert report deadline of September 13. Motorola’s failure to produce merger related documents prior to the September 13 deadline is prejudicing Apple. We again request that you let us know by early next week (1) whether Motorola will produce documents relating to the Google merger and responsive to Apple’s discovery requests; and (2) whether Motorola will provide information explaining its overbreadth objections and the scope of production Motorola is willing to make.

We look forward to receiving additional information from you regarding Motorola’s responses to these discovery requests.

Regards,



Christopher K. Eppich