

**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

**REPLY DECLARATION OF SAMUEL F. ERNST IN SUPPORT OF PLAINTIFFS AND  
COUNTERCLAIM-DEFENDANTS APPLE INC. AND NEXT SOFTWARE, INC.'S  
MOTION FOR A STAY PURSUANT TO FED. R. CIV. P. 19**

I, Samuel F. Ernst, hereby declare:

1. I am a partner at 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 1 is a true and correct copy of the United States District Court for the Southern District of Florida’s “Order on Motion to Stay,” entered on September 29, 2011 in *Motorola Mobility Inc. v. Apple Inc.*, Case No. 10-23580-Civ-UU.

3. Attached hereto as Exhibit 2 is a true and correct copy of Motorola Mobility Holding, Inc.’s September 28, 2011 Form 8-K Report to the United States Securities and Exchange Commission (“the SEC”).

4. Attached hereto as Exhibit 3 is a true and correct copy of Sirius Satellite Radio Inc.’s April 12, 2007 Form 8-K Report to the SEC.

5. Attached hereto as Exhibit 4 is a true and correct copy of a press release issued on March 24, 2008 by the United States Department of Justice (“the DOJ”).

6. Attached hereto as Exhibit 5 is a true and correct copy of Sirius Satellite Radio Inc.’s August 1, 2008 Form 8-K Report to the SEC.

7. Attached hereto as Exhibit 6 is a true and correct copy of the “Declaration of Robert Silver” (without exhibits) filed in the United States District Court for the District of Columbia in *United States v. Echostar Communications Corp., et al.*, Case No. 1:02CV02138 (ESH).

8. Attached hereto as Exhibit 7 is a true and correct copy of a press release issued on October 31, 2002 by the DOJ.

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 September 29, 2011 at San Francisco, California.

*/s/ Samuel F. Ernst*

Samuel F. Ernst