

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

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

Plaintiffs, )

Case No. 10-CV-662-bbc

v. )

**JURY TRIAL DEMANDED**

MOTOROLA, INC. and MOTOROLA )  
MOBILITY, INC. )

Defendants. )

**DECLARATION OF DAVID M. ELIHU IN SUPPORT OF DEFENDANTS AND CROSS-  
COMPLAINANTS MOTOROLA MOBILITY, INC. AND MOTOROLA SOLUTIONS,  
INC.'S STATEMENT OF PROPOSED FINDINGS OF FACT IN SUPPORT OF THEIR  
MOTION FOR SUMMARY JUDGMENT**

**EXHIBITS**