

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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

Plaintiffs,)

v.)

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

Defendants.)

Case No. 10-CV-662-slc

JURY TRIAL DEMANDED

**DECLARATION OF MICHAEL ROMIE IN SUPPORT OF DEFENDANTS'
MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER VENUE**

1. I am a Senior Human Resources Analyst for the Mobile Devices business at Motorola Mobility, Inc. I work out of a Motorola Mobility office located in Libertyville, Illinois. Among other duties, I provide operations support for human resources groups within the Mobile Devices business. I have been employed by Motorola and now Motorola Mobility for almost seventeen years. For the past three and a half years, I worked in the human resources department, and prior to that position I was a software engineer in Motorola's Networks business for thirteen and a half years.

2. I was asked to submit this declaration in support of a motion I understand Motorola is filing. I am personally familiar with and knowledgeable about the facts stated in this declaration and I could testify competently about the statements I make in this declaration.

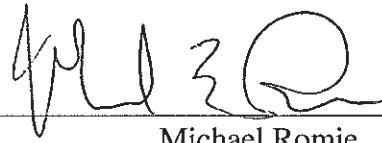
3. Based on my years of experience with Motorola, I know that there are currently no Motorola facilities for the Mobile Devices business in Wisconsin. To determine whether any employees for Motorola's Mobile Devices business were located in Wisconsin for some reason, I searched a database that I use in my work at Motorola to track and maintain information concerning employees referred to as the SAP employee database. The SAP employee database contains a location code for each employee, which indicates the primary location where that employee works. I ran searches in the database by location code in order to determine whether Motorola's Mobile Devices business has any employees located in Wisconsin or Delaware.

4. My searches did not locate any employees working for Motorola's Mobile Devices business in Delaware, and only one individual who works for the Mobile Devices business in Wisconsin named Steve Scherer. After running these searches, I spoke to Mr. Scherer, and he told me that he is a Principal Staff Software Engineer and he telecommutes from his home. Mr. Scherer helped define the requirements for software related to several features used in the Android operating system, such as the touch sensor, proximity sensor, accelerometer,

and haptics. He did not write the software code for the above features. Mr. Scherer told me that he does not have any unique knowledge or documents concerning the above features or the Android operating system.

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

Executed on December 22, 2010.

A handwritten signature in black ink, appearing to read "MR 30", is written above a horizontal line. The signature is stylized and cursive.

Michael Romie