

**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 |
| |) | |
| |) | JURY TRIAL DEMANDED |
| v. |) | |
| |) | |
| MOTOROLA, INC. and MOTOROLA |) | |
| MOBILITY, INC. |) | |
| |) | |
| Defendants. |) | |

**DECLARATION OF REBECCA F. KENNEDY IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF THEIR MOTION TO DISMISS OR,
IN THE ALTERNATIVE, TO TRANSFER VENUE**

I, Rebecca F. Kennedy, hereby declare:

1. I am an attorney with the law firm of Reinhart Boerner Van Deuren s.c., counsel of record for Motorola Mobility, Inc. ("Motorola") in the above-captioned matter.
2. Attached hereto as Exhibit 13 is a true and correct copy of Defendant Apple Inc.'s Answer, Affirmative Defenses and Counterclaims to Plaintiff's Original Complaint for Patent Infringement in Civil Action No. 1:10-cv-023580-Civ-UU, filed in the Southern District of Florida on November 18, 2010.
3. Attached hereto as Exhibit 14 is a true and correct copy of a Memorandum and Order Denying HTC's Motion to Transfer Venue in Civil Action Nos. 1:10-cv-00166, 1:10-cv-00167, from Chief District Judge Gregory M. Sleet, filed in the District of Delaware on January 14, 2011.

4. Attached hereto as Exhibit 15 is a true and correct copy of an Order Granting Apple's Motion to Transfer Venue in Civil Action No. 10-cv-249-wmc, from District Judge William M. Conley, filed in the Western District of Wisconsin on January 5, 2011.

5. Attached hereto as Exhibit 16 is a true and correct copy of HTC's Unopposed Motion to Stay Litigation in Civil Action No. 1:10-cv-00166-RK, filed in the District of Delaware on April 23, 2010.

6. Attached hereto as Exhibit 17 is a true and correct copy of Motorola's Notice of Related Case and Motion to Transfer in Civil Action No. 3:08-cv-0317-O, filed in the District Court for the Northern District of Texas on March 4, 2008.

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

Executed on January 24, 2010 in Milwaukee, Wisconsin.

/s/ Rebecca F. Kennedy

Rebecca F. Kennedy