

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-bbc
JURY TRIAL DEMANDED

DECLARATION OF CARLOS A. RODRIGUEZ IN SUPPORT OF MOTOROLA'S MOTION FOR CLAIM CONSTRUCTION AND A HEARING

I, Carlos A. Rodriguez, declare as follows:

1. I am a member of the bar of the State of New York and am admitted to practice pro hac vice before this Court. I am an associate with Quinn Emanuel Urquhart & Sullivan LLP, attorneys for Defendants Motorola Solutions, Inc. and Motorola Mobility, Inc. ("Motorola"). I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. I submit this declaration in support of Motorola's Motion For Claim Construction And A Hearing. All exhibits attached hereto are cited in Motorola's Memorandum In Support Of Its Motion For Claim Construction And A Hearing.

3. Exhibit 1 is a true and correct copy of U.S. Patent No. 6,275,983 ("the '983 patent").

4. Exhibit 2 is a true and correct copy of U.S. Patent No. 5,969,705 ("the '705 patent").

5. Exhibit 3 is a true and correct copy of U.S. Patent No. 5,566,337 ("the '337 patent").
6. Exhibit 4 is a true and correct copy of U.S. Patent No. 5,455,599 ("the '599 patent").
7. Exhibit 5 is a true and correct copy of U.S. Patent No. 6,424,354 ("the '354 patent").
8. Exhibit 6 is a true and correct copy of U.S. Reissued Patent No. RE 39,486 ("the '486 patent").
9. Exhibit 7 is a true and correct copy of U.S. Patent No. 5,929,852 ("the '852 patent").
10. Exhibit 8 is a true and correct copy of U.S. Patent No. 5,946,647 ("the '647 patent").
11. Exhibit 9 is a true and correct copy of U.S. Patent No. 5,481,721 ("the '721 patent").
12. Exhibit 10 is a true and correct copy of U.S. Patent No. 6,493,002 ("the '002 patent").
13. Exhibit 11 is a true and correct copy of U.S. Patent No. 6,175,559 ("the '559 patent").
14. Exhibit 12 is a true and correct copy of U.S. Patent No. 5,490,230 ("the '230 patent").
15. Exhibit 13 is a true and correct copy of U.S. Patent No. 5,319,712 ("the '712 patent").
16. Exhibit 14 is a true and correct copy of U.S. Patent No. 5,572,193 ("the '193 patent").
17. Exhibit 15 is a true and correct copy of excerpts of the prosecution history of the '983 patent.

18. Exhibit 16 is a true and correct copy of excerpts of the prosecution history of the '354 patent.

19. Exhibit 17 is a true and correct copy of excerpts of the prosecution history of the '486 patent.

20. Exhibit 18 is a true and correct copy of excerpts of the prosecution history of the '230 patent.

21. Exhibit 19 is a true and correct copy of Apple's infringement contentions claim chart for the '983 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

22. Exhibit 20 is a true and correct copy of Apple's infringement contentions claim chart for the '705 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

23. Exhibit 21 is a true and correct copy of Apple's infringement contentions claim chart for the '337 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

24. Exhibit 22 is a true and correct copy of Apple's infringement contentions claim chart for the '599 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

25. Exhibit 23 is a true and correct copy of Apple's infringement contentions claim chart for the '354 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

26. Exhibit 24 is a true and correct copy of Apple's infringement contentions claim chart for the '486 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

27. Exhibit 25 is a true and correct copy of Apple's infringement contentions claim chart for the '852 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

28. Exhibit 26 is a true and correct copy of Apple's infringement contentions claim chart for the '647 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

29. Exhibit 27 is a true and correct copy of Apple's infringement contentions claim chart for the '721 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

30. Exhibit 28 is a true and correct copy of Apple's infringement contentions claim chart for the '002 patent, appended by Apple to its Second Supplemental Response to Motorola's Interrogatory No. 6, dated May 24, 2011.

31. Exhibit 29 is a true and correct copy of excerpts from the book NeXTSTEP Object-Oriented Programming And The Objective C Language (Addison-Wesley Publishing Co., 1993).

32. Exhibit 30 is a true and correct copy of Order No. 18: Construing The Terms Of The Asserted Claims Of The Patents At Issue, entered on July 30, 2010 in the matter of *Certain Mobile Communications And Computer Devices And Components Thereof*, USITC Inv., No. 337-TA-704.

33. Exhibit 31 is a true and correct copy of Joint Motion To Amend The Joint List Of Undisputed Terms With Agreed Constructions, Apple's Corrected Proposed Claim Construction Chart, And HTC's Proposed Claim Constructions, filed on April 4, 2011 in the matter of *Certain Personal Data And Mobile Communications Devices And Related Software*, USITC Inv., No. 337-TA-710.

34. Exhibit 32 is a true and correct copy of excerpts of the prosecution history of the '002 patent.

35. Exhibit 33 is a true and correct copy of U.S. Patent No. 5,588,105.

36. Exhibit 34 is a true and correct copy of U.S. Patent No. 5,659,693.

37. Exhibit 35 is a true and correct copy of D.A. Henderson, Jr. & S.K. Card, *Rooms: The Use of Multiple Virtual Workspaces to Reduce Space Contention*, 5 ACM Transactions on Graphics, No. 3, July 1986 .

38. Exhibit 36 is a true and correct copy of U.S. Patent No. 5,202,961.

39. Exhibit 37 is a true and correct copy of U.S. Patent App. No. 08/316,237.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed June 17, 2011, at New York, New York.

/s/ Carlos A. Rodríguez