

LAW OFFICES
CALFO HARRIGAN LEYH & EAKES LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
(206) 623-1700

ARTHUR W. HARRIGAN, JR.

FACSIMILE: (206) 623-8717
E-MAIL: ARTHURH@CALFOHARRIGAN.COM

August 8, 2013

VIA ECF

The Honorable James L. Robart
United States District Court
Western District of Washington
700 Stewart Street, Suite 14128
Seattle, WA 98101-9906

Re: *Microsoft Corp. v. Motorola, Inc., et al.*, No. 10-cv-1823-JLR

Dear Judge Robart,

We write to seek the Court's permission to file a motion asking the Court to renew and expand its anti-suit injunction to curtail Motorola's ongoing efforts in Germany to undercut the jurisdiction of this Court and to attempt to procure inconsistent rulings. These actions have occurred both in the German action that was the subject of the Court's earlier anti-suit order and in a *new* action in Germany. In the new action, Motorola is seeking to circumvent and undercut the Court's RAND royalty determination, to distract and burden Microsoft on the eve of the breach trial set to begin at the end of August and to further run up Microsoft's legal costs in defending those unnecessary actions. In these proceedings Motorola is seeking to collect royalties for Microsoft's German H.264 SEPs at amounts much higher than the world-wide royalty this Court has now set.

Specifically, in connection with the German action that was originally the subject of this Court's anti-suit injunction, Motorola has demanded that Microsoft by August 15, 2013 provide an extensive and burdensome accounting to Motorola, the ostensible purpose of which is to enable Motorola to claim patent infringement damages from Microsoft in excess of the H.264 RAND royalty rates set by this Court. Furthermore, on July 31, 2013, Microsoft was served with a complaint in a new lawsuit filed by Motorola in the Mannheim Regional Court, Docket # 2 O 79/13, alleging that Motorola accepted an Orange Book offer from Microsoft in excess of the H.264 RAND royalty set by this Court and alleging, moreover, that the license offer Motorola purports to have accepted also permits Motorola to recover past patent infringement damages from Microsoft in excess of the H.264 RAND royalty rates set by this Court. Microsoft must file its notice of defense to this new lawsuit by August 21, 2013.

The Court has ruled that Motorola is obligated to provide Microsoft worldwide RAND licenses to Motorola's 802.11 and H.264 SEPs, and has determined the RAND royalties for those SEPs. As the Court is aware, Microsoft has offered to tender payment in full to Motorola for sums currently due based on the 802.11 and H.264 royalties that the Court established. Motorola has not responded to Microsoft's tender. Microsoft remains willing to pay the royalty adjudicated by the Court.

The Honorable James L. Robart
United States District Court
August 8, 2013
Page 2

Very truly yours,

CALFO HARRIGAN LEYH EAKES LLP

/s/ Arthur W. Harrigan, Jr.

Arthur W. Harrigan, Jr.

AWH:fcf

cc: All Counsel (via ECF)

CERTIFICATE OF SERVICE

I, Florine Fujita, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.

2. On the 8th day of August, 2013, I caused the preceding document to be served on counsel of record in the following manner:

Attorneys for Motorola Solutions, Inc., and Motorola Mobility, Inc.:

Ralph Palumbo, WSBA #04751
Philip S. McCune, WSBA #21081
Summit Law Group
315 Fifth Ave. South, Suite 1000
Seattle, WA 98104-2682
Telephone: 206-676-7000
Email: Summit1823@summitlaw.com

_____ Messenger
_____ US Mail
_____ Facsimile
 X ECF

Steven Pepe (*pro hac vice*)
Jesse J. Jenner (*pro hac vice*)
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036-8704
Telephone: (212) 596-9046
Email: steven.pepe@ropesgray.com
Email: jesse.jenner@ropesgray.com

_____ Messenger
_____ US Mail
_____ Facsimile
 X ECF

Norman H. Beamer (*pro hac vice*)
Ropes & Gray LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
Telephone: (650) 617-4030
Email: norman.beamer@ropesgray.com

_____ Messenger
_____ US Mail
_____ Facsimile
 X ECF

Paul M. Schoenhard (*pro hac vice*)
Ropes & Gray LLP
One Metro Center
700 12th Street NW, Suite 900
Washington, DC 20005-3948
Telephone: (202) 508-4693
Email: Paul.schoenhard@ropesgray.com

_____ Messenger
_____ US Mail
_____ Facsimile
 X ECF

Andrea Pallios Roberts (*pro hac vice*)
Brian C. Cannon (*pro hac vice*)
Elanor Mangin (*pro hac vice*)
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Email: andreaproberts@quinnemanuel.com
Email: briancannon@quinnemanuel.com

_____ Messenger
_____ US Mail
_____ Facsimile
 X ECF

Kathleen M. Sullivan (*pro hac vice*)
David Elihu (*pro hac vice*)
Ellyde Roko Thompson (*pro hac vice*)
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Email: kathleensullivan@quinnemanuel.com

_____ Messenger
_____ US Mail
_____ Facsimile
 X ECF

William Price (*pro hac vice*)
Quinn Emanuel Urquhart & Sullivan, LLP
865 S. Figuera St., 10th Floor
Los Angeles, CA 90017
Telephone: (212) 443-3000
Email: williamprice@quinnemanuel.com
MicrosoftvMotoBreachofRANDCase@quinnemanuel.com

_____ Messenger
_____ US Mail
_____ Facsimile
 X ECF

DATED this 8th day of August, 2013.

s/ Florine Fujita

FLORINE FUJITA