

EXHIBIT 26  
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EXHIBIT 27  
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# EXHIBIT 28

2014 WL 10298775 (N.D.Cal.) (Expert Report and Affidavit)  
United States District Court, N.D. California,  
San Francisco Division.

FUJIFILM CORPORATION, A Japanese Corporation, Plaintiff,  
v.  
MOTOROLA MOBILITY LLC, a Delaware Limited Liability Company, Defendant.

No. C 12-03587 WHO.  
April 10, 2014.

**Declaration by Dr. Harry Bims in Support of Motorola's Reply  
to its Motion for Protective Order to Limit Source Code Printing**

**Case Type:** Intellectual Property >> Patent

**Jurisdiction:** N.D.Cal.

**Name of Expert:** Harry Bims, Ph.D.

**Area of Expertise:** Engineering & Science >> Electrical Engineer

**Area of Expertise:** Engineering & Science >> Computers/Software

**Representing:** Defendant

Kilpatrick Townsend & Stockton LLP, James Isbester (CA State Bar No.: 129820), Benjamin Kleinman-Green (CA State Bar No.: 261846), Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111, Tel.: (415) 576-0200, Fax: (415) 576-0300, Email: jisbester@kilpatricktownsend.com, Email: bkleinman-green@kilpatricktownsend.com.

Kilpatrick Townsend & Stockton LLP, Jordan Trent Jones (CA State Bar No.: 166600), 1080 Marsh Road, Menlo Park, CA 94025, Tel.: (650) 326-2400, Fax: (650) 326-2422, Email: jtjones@kilpatricktownsend.com.

Kilpatrick Townsend & Stockton LLP, Taylor Higgins Ludlam, pro hac vice, 4208 Six Forks Road, Suite 1400, Raleigh, NC 27609, Tel.: (919)420-1705, Fax: (919) 510-6141, Email: taludlam@kilpatricktownsend.com, for defendant, Motorola Mobility LLC.

Judge: Hon. William H. Orrick.

Date: April 23, 2014

Time: 2:00 p.m.

Courtroom: 2, 17 Floor

I, Harry Bims, hereby declare:

1. I am over the age of 18 and am an independent consultant retained by Motorola Mobility LLC ("Motorola") as a consulting expert in this matter brought by Plaintiff Fujifilm Corporation ("Fujifilm"). I make this declaration on personal knowledge (with the exception of paragraph 9, which is based on information given to me by counsel for Motorola) and if called as a witness could and would competently testify to the matters stated herein.

2. I have a PhD in electrical engineering from Stanford University (1993), a MS in electrical engineering from Stanford University (1988), and an undergraduate degree in computer and systems engineering from RPI (1985). I have been a technical expert witness in at least 27 matters. In eight of those matters I have reviewed source code produced by either my client or by the opposing party, or both. I am familiar with Java and C++ code, and have both programmed in and done source code review in both languages. A copy of my CV is attached as Exhibit A to this declaration.

3. I understand that I have been given all of the Motorola source code that has been made available to Fujifilm for inspection.

4. I have reviewed the software architecture of Android-based devices (the vast majority of the source code produced is for such devices) and I have reviewed the source code repositories provided by Motorola to Fujifilm and have studied specific files in those repositories, including various files requested to be printed by Fujifilm.

5. It is my general experience that evidence of how a particular function is performed in a product is typically contained within, at most, seven or eight files. Given that Fujifilm is asserting four distinct sets of claims, this amounts to needing no more than portions of approximately thirty-two files per device.

6. For these devices, the source code is structured so that much of the Java code is simply user interface code for applications or services. This Java code invokes the lower layers of the Android system and associated libraries. These layers, in turn, invoke the Linux operating system and lower-level libraries. Linux and the lower-level libraries will interface, if necessary, to the device's hardware. Thus, the code is organized hierarchically, from user interface code down to hardware interface code. Much of the code that would demonstrate how the devices perform the claimed functionality would be, if present at all, in lower level libraries or hardware interface libraries.

7. The only Java source code that is likely to be relevant to the preparation of expert reports is that very limited subset of the code that begins the process of invoking the accused functionality. Similarly, at each level of the hierarchy, only those portions of the file that invoke the relevant functionality from the next lower level would be needed. Also, once Fujifilm has identified the portions of the files that relate to an accused functionality on one device, finding the source code for similar functionality for other devices is largely about finding similarly named files or files that use similar Android or system APIs-it does not require reexamining the entire universe of Motorola's source code.

8. Fujifilm's current method of printing or extracting files may require line numbering to be applied to the entire file, however, there is no need for that entire file to be printed. It is straightforward to print only the relevant portion of a given file and preserve the line numbering.

9. I understand that the source code review environment available to Fujifilm includes:

- a. Adobe Acrobat
- b. Slick Edit
- c. Source-Navigator
- d. PowerGrep
- e. ExamDiff Pro
- f. Microsoft Office Viewer (Word, PPT and Excel viewers)

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