

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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NOKIA CORPORATION, )  
 )  
 Plaintiffs, )  
 )  
 v. ) C.A. No. 09-791-GMS  
 )  
 APPLE INC., )  
 )  
 Defendants. )

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NOKIA CORPORATION, )  
 )  
 Plaintiffs, )  
 )  
 v. ) C.A. No. 09-1002-GMS  
 )  
 APPLE INC., )  
 )  
 Defendants. )

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APPLE INC. and NeXT SOFTWARE, )  
 INC., f/k/a NeXT COMPUTER, INC., )  
 )  
 Plaintiffs, )  
 )  
 v. ) C.A. No. 10-166-RK  
 )  
 HIGH TECH COMPUTER CORP., a/k/a )  
 HTC CORP., HTC (B.V.I.) CORP., HTC )  
 AMERICA, INC., and EXEDEEA, INC., )  
 )  
 Defendants. )

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APPLE INC., )  
 )  
 Plaintiff, )  
 )

v.	)	C.A. No. 10-167-RK
	)	
HIGH TECH COMPUTER CORP., a/k/a	)	
HTC CORP., HTC (B.V.I.) CORP., HTC	)	
AMERICA, INC., and EXEDEA, INC.,	)	
	)	
Defendants.	)	

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**ORDER**

WHEREAS, on May 24, 2010, Apple filed a motion for consolidation (C.A. No. 09-791, D.I. 47; C.A. No. 09-1002, D.I. 17; C.A. No. 10-166, D.I. 21; C.A. No. 10-167, D.I. 19);

WHEREAS, the motion asks the court to consolidate the above-captioned actions to conserve resources, promote judicial economy and protect against the possibility of inconsistent rulings given the overlapping patents and technologies among the cases;

WHEREAS, courts have broad discretion to consolidate actions involving a common question of law or fact to facilitate the administration of justice;<sup>1</sup>

WHEREAS, the court, after having considered the pending motions and the responses and replies thereto, concludes that consolidation under the facts of this case would not streamline the proceedings and Apple's motion for consolidation should therefore be denied;<sup>2</sup>

IT IS HEREBY ORDERED THAT Apple's motion for consolidation (C.A. No. 09-791,

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<sup>1</sup>Fed. R. Civ. P. 42(a); *Ellerman Lines, Ltd. v. Atl. & Gulf Stevedores, Inc.*, 339 F.2d 673, 675 (3d Cir. 1964).

<sup>2</sup>If, however, the parties have claim construction disputes regarding claims that are asserted both in C.A. No. 10-167 (*Apple, Inc. v. High Tech Computer Corp.*) and in C.A. No. 09-971 (*Nokia Corporation v. Apple, Inc.*), the court will hear those claim construction arguments at the Markman hearing for C.A. No. 09-971, currently scheduled for May 16, 2011. The court will, in the near future, provide the parties with further instructions as to the number of disputed claim terms they will be allowed to present.

D.I. 47; C.A. No. 09-1002, D.I. 17; C.A. No. 10-166, D.I. 21; C.A. No. 10-167, D.I. 19) is  
DENIED.

Dated: December 6, 2010

  
CHIEF, UNITED STATES DISTRICT JUDGE