

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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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 EXEDEA, 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. )

**APPLE INC. AND NeXT SOFTWARE, INC’S MOTION TO DEFER  
ORAL ARGUMENT ON PENDING MOTION TO TRANSFER**

Plaintiffs respectfully move this Court to defer argument on Defendants' Motion to Transfer for the following reasons:

While Apple welcomes the opportunity to present further argument to the Court in opposition to Defendants’ motion, Apple respectfully asks that before this Court schedules oral argument, it consider the existence of Apple’s co-pending motion to consolidate the above-referenced cases with two related matters now pending in the District of Delaware. As described in Apple’s opposition to Defendants’ motion, two related patent-infringement cases are pending

in Delaware before Chief Judge Sleet. Because these four cases share overlapping patents and thus share numerous identical issues of fact and law, Apple has filed a motion to consolidate the four matters (D.I. 21 in 10-166-RK and D.I. 19 in 10-167-RK). Consolidation would enable the Court and the parties to consider and resolve these many common issues more efficiently. Briefing on Apple's motion is underway and will be completed soon.

Given the relationship between the two motions, and the significant impact that a consolidation order would have on Defendants' motion to transfer, Apple believes that it would be a more efficient use of this Court's resources to wait for Apple's motion to be resolved before scheduling argument on Defendants' motion to transfer. Apple thus respectfully asks this Court to defer scheduling a hearing on Defendants' motion until the Court has had an opportunity to rule on Apple's motion for consolidation.

Dated: June 21, 2010

/s/ Richard K. Herrmann

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*Attorneys for Apple Inc.*

**RULE 7.1.1 STATEMENT**

Counsel for Apple Inc. and NeXT Software, Inc. hereby states that it contacted opposing counsel in an effort to resolve the issues raised in its Motion to Defer, but to no avail.

Dated: June 21, 2010

/s/ Richard K. Herrmann  
Richard K. Herrmann