SJS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

the civil docket sheet. (SEE I	NSTRUCTIONS ON THE REVI	ERSE OF THE FORM.)	<u> </u>	THE PAIN A NUT	<u> </u>	-			
I. (a) PLAINTIFFS				EFENDANT		T			
Motorola Mobility, Inc.			- A	apple Inc. and	NeXT Softw	are, Inc.			
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)			Co	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE					
				LAN	ND INVOLVED.				
1201 North Market S	e, Address, and Telephone Numb MORRIS, NICHOLS, ARSHT & treet, P.O. Box 1347, 99-1347, (302) 658-9200	er) TUNNELL LLP,	A	ttorneys (If Knowi	n)				
II. BASIS OF JURISI		in One Box Only)	III. CITIZ	ENSHIP OF	PRINCIPA	L PARTIES(Place an "X" in C	ne Box for	r Plaintiff
☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government)		Not a Party)	, ·	(For Diversity Cases Only) PTF DEF zen of This State DEF Incorporated or Principal Place of Business In This State					
2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State 2 2 Incorporated and Principal Place 5 5 5 of Business In Another State						
			Citizen or Foreign	Subject of a Country	□ 3 □ 3	Foreign Nation		□ 6	5 6
IV. NATURE OF SUI						KRUPICY	O THE	STATUTI	T.C.
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise REAL PROPERTY 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property	□ 330 Federal Employers' Liability □ 340 Marine □ 345 Marine Product Liability □ 350 Motor Vehicle □ 355 Motor Vehicle □ 700 Product Liability □ 360 Other Personal Injury □ 441 Voting □ 442 Employment □ 443 Housing/ Accommodations □ 444 Welfare □ 445 Amer. w/Disabilities - Employment	PERSONAL INJURY 362 Personal Injury - Med. Malpractice 365 Personal Injury - Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPER 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITION 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Oth 550 Civil Rights 555 Prison Condition	Y	per Food & Drug Ig Related Seizure Property 21 USC 88 In USC 88 In East Seizure In East Seizure In East Seizure In East Seizure In East Standards In East St	422 Appea 423 Withd 28 US 426 Copyr 426 Copyr 427 Key 428 Copyr 428 Copyr	al 28 USC 158 trawal C 157 TYRIGHTS tights	400 State R. 410 Antitrus 430 Banks a 450 Comme 460 Deporta 470 Rackete Corrupt 480 Consum 490 Cable/S 810 Selectivi Exchang 875 Custom 12 USC 890 Other S 891 Agricul 892 Econom 893 Enviro 894 Energy 895 Freedor Act 900Appeal 600	eapportionn st und Banking ree tition her Influenc Organizati her Credit at TV ree Service es/Common ge er Challeng 3410 tatutory Ac tural Acts hic Stabiliza hic Stabiliza Allocation of Inform of Fee Dete Gual Acces he tionality of	g ged and dons dities/ ge etions atters Act nation ermination ss
№ 1 Original	tate Court	Appellate Court	J 4 Reinstate Reopened	l and	ansferred from other district oecify)	☐ 6 Multidistr Litigation	ict 🗇 7 N	Appeal to udge from Magistrate udgment	n '
VI. CAUSE OF ACTI	ON Cite the U.S. Civil Str 35 U.S.C. § 101 et so Brief description of ca		re filing (Do n	ot cite jurisdicti	ional statutes un	lless diversity):			
		S IS A CLASS ACTION DI		MAND \$ CHECK YES only if demands JURY DEMAND: Ø Y				complain	t:
VIII. RELATED CAS IF ANY	(See instructions):	JUDGE S	leet		DOCKET	rnumber <u>09</u>	-1002; 10-1	66; 10-1	167
DATE 10/8/19 FOR OFFICE USE ONLY	O	SIGNATURE OF AT	TORNEY OF R	ECORD					
	MOUNT	APPLYING IFP		JUDGE	3	MAG. JUI	OGE		

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity.

 Example:

 U.S. Civil Statute: 47 USC 553

 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.