

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.10-23580-Civ-UU

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

ORDER ON MOTION TO RESERVE THREE DAYS FOR MARKMAN HEARING

THIS CAUSE came before the Court upon Defendant and Counterclaim Plaintiff Apple's ("Apple") Motion to reserve three days for the Markman hearing (D.E. 141) and Plaintiff and Counterclaim Defendant Motorola's ("Motorola") Response (D.E. 143). The Court has reviewed the Motion, the relevant portions of the record, and is otherwise fully advised in the premises.

Apple motions to extend the duration of the Markman hearing to three 6 hour days, commencing at 10:00 a.m. and concluding at 4 p.m. for the period of Monday October 17, 2011 through Wednesday October 19, 2011. Apple contends that three days are warranted given the complexity of the case, the number of contested patents, and the need for a legal presentation. D.E. 141.

Motorola responds that the parties previously agreed at the October 7, 2011, tutorial to cover the legal presentation and Markman hearing in two – albeit full – days. D.E. 143. Motorola adds that in a previous teleconference, the parties stipulated that at the Markman hearing, each side would devote only three hours to its respective presentations on the terms at

issue. *Id.* For Motorola, the most efficient use of the Court's time would be to spend two longer days, not the three "truncated" days that Apple proposes, hearing the parties' legal presentation and Markman presentations. *Id.*

Having considered arguments by both parties and reviewed the record, the Court is persuaded that the parties should reserve three days for the legal presentation and Markman hearing. However, the Court rejects Apple's proposed schedule. Further, the Court's determination that the parties reserve three days should not be taken as a warrant to spend unnecessary amounts of time presenting any issue. In sum, the Court is prepared to conduct the legal presentation and Markman over the course of two full-days but hereby reserves the right to continue the proceedings into the third day. Accordingly, it is

ORDERED AND ADJUDGED that 1) Motion (D.E. 141) is GRANTED IN PART; 2) the parties shall reserve three days for the legal presentation and Markman hearing; 3) the parties shall be prepared to proceed on Monday October 17, 2011, at 10 a.m.; and 4) the portion of the Motion (D.E. 141) requesting that the days conclude at 4 p.m. is hereby DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 13th day of October, 2011.



UNITED STATES DISTRICT JUDGE

copies provided: counsel of record