

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**Case No. 1:10cv023580-Civ-UU**

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

**JURY TRIAL DEMANDED**

---

APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and  
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

**JOINT NOTICE OF FILING SUPPLEMENTAL AUTHORITY FOR CLAIM  
CONSTRUCTION**

At the Claim Construction Hearing held on October 19, 2011, this Court asked the parties to identify sample claim construction orders demonstrating how and when a Court is to construe patent claim terms. *See* Oct. 19, 2011 Transcript, Vol. 3A, at 529:2-7. The above-captioned parties respectfully submit this Joint Notice of Supplemental Authority in order to help clarify the claim construction process, and when claim construction is appropriate consistent with the Federal Circuit's instructions in *O2 Micro Intern. Ltd. v. Beyond Innovation Tech. Co., Ltd.*, 521 F.3d 1351 (Fed. Cir. 2008).

Motorola Mobility, Inc. and Motorola Solutions, Inc. (“Motorola”) respectfully informs the Court of the following three recently issued orders:

- *Nomadix, Inc. v. Hewlett-Packard Co.*, No. 10-cv-08441-DDP, 2011 WL 5037162 (C.D. Cal. Oct. 24, 2011) (Ex. 1)
- *Pfizer Inc. v. Teva Pharms.*, No. 2:10-cv-128, 2011 U.S. Dist. LEXIS 27886 (E.D. Va. Mar. 17, 2011) (Ex. 2)
- *Better Bags, Inc. v. Redi Bag USA LLC*, No. H-09-3093, 2011 U.S. Dist. LEXIS 6093 (S.D. Tex. Jan. 21, 2011) (Ex. 3)

Apple, Inc. (“Apple”) respectfully informs the Court of the following five recently issued orders:

- *Security Chain Company v. Quality Chain Corp.*, No. 10-cv-1257-PK, 2011 WL 1838883 (D. Or. May 13, 2011) (Ex. 4)
- *BigBand Networks, Inc. v. Imagine Comms., Inc.*, No. 07-351-LPS, 2011 WL 1113275 (D. Del. Mar. 24, 2011) (Ex. 5)
- *Aventis Pharms. Inc. v. Impax Labs., Inc.*, No. 02-1322 (GEB), 2011 U.S. Dist. LEXIS 3824 (D.N.J. Jan. 13, 2011) (Ex. 6)
- *Travel Sentry, Inc. v. Tropp*, 661 F.Supp. 2d 280 (E.D.N.Y. 2009) (Ex. 7)
- *PageMelding Inc. v. Feeva Techs., Inc.*, No. C 08-03484 CRB, 2009 WL 2588883 (N.D. Cal. Aug. 19, 2009) (Ex. 8)

Dated: October 26, 2011

Respectfully submitted,

<p><u>/s/ Edward M. Mullins</u> Edward M. Mullins <a href="mailto:emullins@astidavis.com">emullins@astidavis.com</a> Douglas J. Giuliano <a href="mailto:dgiuliano@astidavis.com">dgiuliano@astidavis.com</a> Astigarrage Davis Mullins &amp; Grossman, P.A. 701 Brickell Avenue, 16th Floor Miami, FL 33131 Telephone: (305) 372-8282 Facsimile: (305) 372-8202</p> <p><i>Attorneys for Motorola Mobility, Inc. and Motorola, Inc.</i></p>	<p><u>/s/ Christopher R. J. Pace</u> Christopher R. J. Pace <a href="mailto:christopher.pace@weil.com">christopher.pace@weil.com</a> Edward Soto <a href="mailto:edward.soto@weil.com">edward.soto@weil.com</a> WEIL, GOTSHAL &amp; MANGES LLP 1395 Brickell Avenue, Suite 1200 Miami, FL 33131 Telephone: (305) 577-3100 Facsimile: (305) 374-7159</p> <p><i>Attorneys for Apple Inc.</i></p>
---	--

*Of Counsel:*

Edward J. DeFranco

[eddefranco@quinnemanuel.com](mailto:eddefranco@quinnemanuel.com)

Raymond Nimrod

[raynimrod@quinnemanuel.com](mailto:raynimrod@quinnemanuel.com)

Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Avenue, 22nd Floor

New York, New York 10010

Telephone: (212) 849-7000

Facsimile: (212) 849-7100

Charles K. Verhoeven

[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)

David Perlson

[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)

Anthony A. Pastor

[anthonypastor@quinnemanuel.com](mailto:anthonypastor@quinnemanuel.com)

Quinn Emanuel Urquhart & Sullivan, LLP

50 California Street, 22nd Floor

San Francisco, CA 94111

Telephone: (415) 875-6600

Facsimile: (415) 875-6700

David A. Nelson

[davenelson@quinnemanuel.com](mailto:davenelson@quinnemanuel.com)

Quinn Emanuel Urquhart & Sullivan, LLP

500 West Madison Street, Suite 2450

Chicago, IL 60661

Telephone: (312) 705-7400

Facsimile: (312) 705-7401

*Attorneys for Motorola Mobility, Inc. and  
Motorola, Inc.*

*Of Counsel:*

Matthew D. Powers

[Matthew.Powers@tensegritylawgroup.com](mailto:Matthew.Powers@tensegritylawgroup.com)

Steven Cherensky

[Steven.Cherensky@tensegritylawgroup.com](mailto:Steven.Cherensky@tensegritylawgroup.com)

Tensegrity Law Group LLP

201 Redwood Shores Parkway

Redwood Shores, CA 94065

Telephone: 650-802-6000

Facsimile: 650-802-6001

Jill J. Ho

[jill.ho@weil.com](mailto:jill.ho@weil.com)

WEIL, GOTSHAL & MANGES LLP

201 Redwood Shores Parkway

Redwood Shores, CA 94065

Telephone: (650) 802-3000

Facsimile: (650) 802-3100

Mark G. Davis

[mark.davis@weil.com](mailto:mark.davis@weil.com)

WEIL, GOTSHAL & MANGES LLP

1300 Eye Street, N.W., Suite 900

Washington, DC 20005

Telephone: (202) 682-7000

Facsimile: (202) 857-0940

Robert T. Haslam

[rhaslam@cov.com](mailto:rhaslam@cov.com)

COVINGTON & BURLING LLP

333 Twin Dolphin Drive, Suite 700

Redwood Shores, CA 94065

Telephone: (650) 632-4700

Facsimile: (650) 632-4800

Robert D. Fram

[rfram@cov.com](mailto:rfram@cov.com)

Christine Saunders Haskett

[chaskett@cov.com](mailto:chaskett@cov.com)

COVINGTON & BURLING LLP

One Front Street

San Francisco, CA 94111

Telephone: (415) 591-6000

Facsimile: (415) 591-6091

*Attorneys for Apple Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 26, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF filing system. I also certify that the foregoing document is being served this date on all counsel of record or pro se parties on the Service List below in the manner specified, either via transmission of Notices of Electronic Filing generated by the CM/ECF system or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Douglas J. Giuliano  
Douglas J. Giuliano (Fla. Bar No. 15282)

**SERVICE LIST**

Motorola Mobility, Inc. versus Apple Inc.  
Case No. 1:10cv023580-Civ-UU  
United States District Court, Southern District of Florida

<p>Edward M. Mullins <a href="mailto:emullins@astidavis.com">emullins@astidavis.com</a> Douglas J. Giuliano <a href="mailto:dgiuliano@astidavis.com">dgiuliano@astidavis.com</a> Astigarrage Davis Mullins &amp; Grossman, P.A. 701 Brickell Avenue, 16th Floor Miami, FL 33131 Telephone: (305) 372-8282 Facsimile: (305) 372-8202</p> <p><i>Attorneys for Motorola Mobility, Inc. and Motorola, Inc.</i></p> <p><i>Of Counsel:</i> Edward J. DeFranco <a href="mailto:eddefranco@quinnemanuel.com">eddefranco@quinnemanuel.com</a> Raymond Nimrod <a href="mailto:raynimrod@quinnemanuel.com">raynimrod@quinnemanuel.com</a> Quinn Emanuel Urquhart &amp; Sullivan, LLP 51 Madison Avenue, 22nd Floor New York, New York 10010 Telephone: (212) 849-7000 Facsimile: (212) 849-7100</p>	<p>Christopher R. J. Pace <a href="mailto:christopher.pace@weil.com">christopher.pace@weil.com</a> Edward Soto <a href="mailto:edward.soto@weil.com">edward.soto@weil.com</a> WEIL, GOTSHAL &amp; MANGES LLP 1395 Brickell Avenue, Suite 1200 Miami, FL 33131 Telephone: (305) 577-3100 Facsimile: (305) 374-7159</p> <p><i>Attorneys for Apple Inc.</i></p> <p><i>Of Counsel:</i> Matthew D. Powers <a href="mailto:Matthew.Powers@tensegritylawgroup.com">Matthew.Powers@tensegritylawgroup.com</a> Steven Cherensky <a href="mailto:Steven.Cherensky@tensegritylawgroup.com">Steven.Cherensky@tensegritylawgroup.com</a> Tensegrity Law Group LLP 201 Redwood Shores Parkway Redwood Shores, CA 94065 Telephone: 650-802-6000 Facsimile: 650-802-6001</p>
--	--

Charles K. Verhoeven  
[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)  
David Perlson  
[davidperlson@quinnemanuel.com](mailto:davidperlson@quinnemanuel.com)  
Anthony A. Pastor  
[anthonypastor@quinnemanuel.com](mailto:anthonypastor@quinnemanuel.com)  
Quinn Emanuel Urquhart & Sullivan, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

David A. Nelson  
[davenelson@quinnemanuel.com](mailto:davenelson@quinnemanuel.com)  
Quinn Emanuel Urquhart & Sullivan, LLP  
500 West Madison Street, Suite 2450  
Chicago, IL 60661  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401

*Attorneys for Motorola Mobility, Inc. and  
Motorola, Inc.*

Jill J. Ho  
[jill.ho@weil.com](mailto:jill.ho@weil.com)  
WEIL, GOTSHAL & MANGES LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

Mark G. Davis  
[mark.davis@weil.com](mailto:mark.davis@weil.com)  
WEIL, GOTSHAL & MANGES LLP  
1300 Eye Street, N.W., Suite 900  
Washington, DC 20005  
Telephone: (202) 682-7000  
Facsimile: (202) 857-0940

Robert T. Haslam  
[rhaslam@cov.com](mailto:rhaslam@cov.com)  
COVINGTON & BURLING LLP  
333 Twin Dolphin Drive, Suite 700  
Redwood Shores, CA 94065  
Telephone: (650) 632-4700  
Facsimile: (650) 632-4800

Robert D. Fram  
[rfram@cov.com](mailto:rfram@cov.com)  
Christine Saunders Haskett  
[chaskett@cov.com](mailto:chaskett@cov.com)  
COVINGTON & BURLING LLP  
One Front Street  
San Francisco, CA 94111  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091

*Attorneys for Apple Inc.*