

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

Case No.10-23580-Civ-UU

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

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**ORDER GRANTING MOTION TO STRIKE**

THIS CAUSE is before the Court upon the Motion (D.E. 178) by Apple to Strike Motorola's Supplemental Infringement Contentions. THE COURT has considered the Motion, the pertinent portions of the record, and is otherwise fully advised in the premises.

On November 7, 2011, Apple filed the instant motion, generating a response deadline for Motorola of November 25, 2011. To date, Motorola has not filed a response motion. However, the Court has considered Motorola's Notice concerning its supplemental infringement contentions (D.E. 164), filed on October 28, 2011.

Motorola claims that it presumed that the court-ordered deadline for infringement contentions was preliminary (D.E. 164). Nothing in the Court's scheduling order (D.E. 77), however, indicated that the deadlines were not final. Furthermore, Motorola does not persuade the Court that Motorola's should be granted relief here because Motorola relied on Apple's indication that Apple was reserving the right to amend its infringement contentions in light of future discovery. See D.E. 164. Had Motorola any question as to the deadlines in D.E. 77, the proper recourse was to

