

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

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

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

**JURY TRIAL DEMANDED**

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APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and  
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

**MOTOROLA'S REQUEST FOR HEARING ON ITS MOTION TO AMEND THE  
PROCEDURAL SCHEDULE TO SERVE SUPPLEMENTAL INVALIDITY  
CONTENTIONS**

Pursuant to Local Rule 7.1(b)(1), Plaintiff and Counterclaim defendants Motorola Mobility, Inc. and Motorola Solutions, Inc. (f/k/a Motorola, Inc.) (collectively "Motorola") request oral argument on its Motion for Leave to Amend the Procedural Schedule to Serve supplemental Invalidation Contentions (D.E. 211).

The factual background necessitating Motorola's supplemental invalidity contentions is complicated, as it arises from several different sets of facts. A hearing is important to explain

Apple's late production of the prior art that potentially invalidates its patents, the prior art's relevance and Apple's attempts to exclude that prior art. Additionally, a hearing would permit Motorola to explain the consequences of Apple's improper attempt to expand the scope of its patents at the technical tutorial.

Moreover, the issues raised in Motorola's motion are significant in that the outcome of the motion will determine whether Motorola is permitted to supplement its invalidity contentions to include evidence produced by Apple after the date for invalidity contentions had passed, evidence to address Apple's recent assertion that two of its asserted patents claim "Plug and Play," and a prior art reference that Motorola recently learned claims a priority date earlier than three of Apple's asserted patents. In other words, the outcome of the motion will have the effect of permitting evidence critical to Motorola's invalidity defense against Apple's counterclaims of infringement.

Given that this motion relates to the admissibility of evidence with respect to a key issue in the case, Motorola respectfully requests oral argument on the issues presented in its Motion for Leave to Amend the Procedural Schedule to Serve supplemental Invalidity Contentions (D.E. 211).

Dated: December 30, 2011

Respectfully submitted,

MOTOROLA SOLUTIONS, INC. (f/k/a  
MOTOROLA, INC.) AND MOTOROLA  
MOBILITY, INC.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 30, 2011, I served the foregoing document via electronic mail on all counsel of record identified on the attached Service List.

*/s/ Douglas J. Giuliano*  
\_\_\_\_\_  
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