

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

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

<p>MOTOROLA MOBILITY, INC., Plaintiff,  v.  APPLE INC., Defendant.</p>		<p><b>JURY TRIAL DEMANDED</b></p>
<p>APPLE INC., Counterclaim Plaintiff,  v.  MOTOROLA, INC. and MOTOROLA MOBILITY, INC., Counterclaim Defendants.</p>		

**JOINT MOTION REGARDING U.S. PATENT NOS. 6,282,646 AND 7,380,116**

Apple Inc. (“Apple”), by and through counsel, and Motorola Solutions, Inc. (f/k/a Motorola, Inc.) and Motorola Mobility, Inc. (collectively, “Motorola”), by and through counsel, hereby move for the entry of summary judgment of non-infringement of U.S. Patent Nos. 6,282,646 (“the ’646 patent”) and 7,380,116 (“the ’116 patent”) based on the rulings in the Court’s Claim Construction Order of December 1, 2011 (“Markman Order”). Apple acknowledges that the Court’s constructions in the Markman Order of terms from the ’646 and ’116 patents were case-dispositive as to Apple’s causes of action based on the ’646 and ’116 patents because, given those constructions, Apple cannot establish that Motorola infringed the asserted claims in the ’646 and ’116 patents. This

joint motion is made subject to Apple's reservation of all rights to appeal the Court's claim constructions with respect to the '646 and '116 patents.

Motorola agrees that its corresponding counterclaims seeking declaratory judgment of non-infringement and invalidity of the '646 and '116 patents should be dismissed without prejudice. This stipulation of dismissal without prejudice is made subject to Motorola's reservation of rights to reassert these or other counterclaims and defenses relating to the asserted patents should Apple's infringement claims regarding the '646 and '116 patents be revived or reasserted for any reason (including, but not limited to, modification of the Court's claim constructions on appeal resulting in a remand to the district court.) Nothing in this stipulation shall preclude Motorola from appealing any ruling that it could otherwise have appealed had this stipulation not been entered.

Furthermore, nothing in this stipulation precludes either party from moving for summary judgment with respect to any issue remaining before this Court.

Dated: March 14, 2012

Respectfully submitted,

<p><u>/s/ Edward M. Mullins</u> Edward M. Mullins <a href="mailto:emullins@astidavis.com">emullins@astidavis.com</a> Hal M. Lucas <a href="mailto:hluccas@astidavis.com">hluccas@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 Solutions, 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:*

Mark D. Baker

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

Edward J. DeFranco

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

Alexander Rudis

[alexanderrudis@quinnemanuel.com](mailto:alexanderrudis@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 A. Perlson

[davidperlson@quinnemanuel.com](mailto:davidperlson@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 Solutions, 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

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 March 14, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to received electronically Notices of Electronic Filing.

/s/ Christopher R. J. Pace  
Christopher R. J. Pace (Fla. Bar No. 0721166)

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

Edward M. Mullins  
Fla. Bar No. 863920  
[emullins@astidavis.com](mailto:emullins@astidavis.com)  
ASTIGARRAGA DAVIS MULLINS & GROSSMAN, P.A.  
701 Brickell Avenue, 16th Floor  
Miami, FL 33131  
Telephone: (305) 372-8282  
Facsimile: (305) 372-8202

*Of Counsel:*  
Charles K. Verhoeven  
David A. Perlson  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 93111  
(415) 875-6600

Raymond N. Nimrod  
Edward J. DeFranco  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
(212) 849-7000

David A. Nelson  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
500 West Madison Street, Suite 2450  
Chicago, IL 60661  
(312) 705-7400

[Moto-Apple-SDFL@quinnemanuel.com](mailto:Moto-Apple-SDFL@quinnemanuel.com)

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

Electronically served via email