

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

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

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.

**ORDER GRANTING AGREED MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

THIS MATTER is before the Court upon the parties' Joint Motion Regarding U.S. Patent Nos. 6,282,646 ("the '646 patent") and 7,380,116 ("the '116 patent") [ECF No. 264].

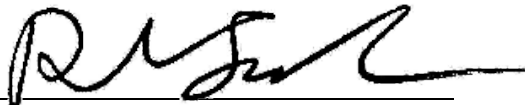
Upon consideration, and in light of the fact that this Motion is agreed to by both parties, the Court grants summary judgment of non-infringement in favor of Motorola Solutions, Inc. (f/k/a Motorola, Inc.) and Motorola Mobility, Inc. (collectively, "Motorola") as to the asserted claims of the '646 and '116 patents, as construed by the Court's Claim Construction Order of December 1, 2011 ("Markman Order"). Apple Inc. ("Apple") has acknowledged, and the Court accepts, 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. Apple has reserved its right to appeal the Court's claim constructions as to the '646 and '116 patents.

Motorola's counterclaims with respect to the '646 and '116 patents are dismissed without prejudice. Motorola has reserved its right to reassert these or other counterclaims and defenses relating to the asserted patents should Apple's infringement claims regarding the asserted 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). Motorola has further reserved its rights to appeal any ruling that it could otherwise have appealed had this summary judgment of non-infringement of the '646 and '116 patents not been entered.

Accordingly, it is hereby **ORDERED and ADJUDGED** that this Motion is **GRANTED**.

**DONE AND ORDERED** in chambers in Miami, Florida on March 14, 2012.

  
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ROBERT N. SCOLA, JR.  
United States District Judge

*Copies to:*  
Counsel of record