

**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

APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

**MOTOROLA'S MOTION FOR LEAVE TO FILE SURREPLY REGARDING APPLE'S
MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORY NOS. 19-22**

Plaintiff Motorola Mobility, Inc. ("Motorola") moves for leave to file a brief surreply to the reply memorandum filed by Defendant Apple Inc. ("Apple") regarding Apple's Motion to Compel Further Responses to Interrogatory Nos. 19-22.¹

Good cause exists for granting this Motion because in its reply memorandum, Apple has raised new arguments not presented in its opening brief. These new arguments concern the

¹ Apple's Motion to Compel was filed under seal on March 26, 2012. Motorola's response was filed on April 2. Apple's reply was filed under seal on April 5.

Second Supplemental Responses that Motorola served in response to Apple's Interrogatory Nos. 19-22. For the first time in its reply, Apple argues that the Second Supplemental Responses are inadequate, essentially making a new motion. Because Apple first addressed Motorola's Second Supplemental Responses on reply, Motorola should be permitted to respond to these new arguments.

In addition, Apple in its reply made at least one factual error—incorrectly stating that a remote control is among the product accused of infringing Apple's patents—that Motorola's proposed surreply corrects.

Motorola's proposed surreply is attached here as Exhibit 1.

CONCLUSION

For the above reasons, Motorola requests that the Court grant Motorola's Motion for Leave to File Surreply Regarding Apple's Motion to Compel Further Responses to Interrogatory Nos. 19-22.

CERTIFICATE OF CONSULTATION WITH OPPOSING COUNSEL

Pursuant to Local Rule 7.1(A)(3)(a), counsel for Motorola has conferred with counsel for Apple regarding the issues raised in this Motion, and counsel for Apple has objected to the relief requested herein.

Dated: December ____, 2011

Respectfully submitted,

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Dated: April 9, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 9, 2012, 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 attached Service List 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.

/s/ Edward M. Mullins _____

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Case No.: 1:10-23580-Civ-UU

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