

**UNITED STATES DISTRICT COURT
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.

**PLAINTIFF AND COUNTERCLAIM DEFENDANT
MOTOROLA MOBILITY'S *UNOPPOSED* MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO APPLE INC.'S MOTION TO CONSOLIDATE**

Plaintiff and Counterclaim Defendant Motorola Mobility, Inc. ("Motorola") respectfully requests that this Court grant it an enlargement of time until May 16, 2012, to respond to the Motion to Amend the Procedural Schedule by Defendant and Counterclaim Plaintiff, Apple, Inc. ("Apple") (D.E. 323). Good cause exists for granting this motion for the following reasons:

1. On April 17, 2012, Apple filed its Motion to Amend the Procedural Schedule in the above-referenced action. (D.E. 323). This Motion requests that the Court consolidate Case No. 1:10cv023580-Civ-RNS ("the 2010 Case") and Case No. 1:12cv020271-Civ-RNS ("the 2012 Case").

2. Motorola's Opposition to Apple's Motion is due May 4, 2012.

3. On April 23, 2012, the Court Ordered that "[w]ithin twenty days, the parties are directed to meet-and-confer regarding an appropriate amended procedural schedule for this case, in light of this Order. After meeting-and conferring, the parties shall notify the Court as to their agreement on a proposed amended procedural schedule for this 2010 case." (D.E. 327 at 2). The Court also ordered that "[t]he parties shall separately discuss whether or not this case and the 2012 case should be consolidated in whole or in part, for discovery purposes only, or for any other limited purpose. Upon such discussions, the parties shall notify the Court of whether they have come to an agreement, which the Court may adopt, or whether they disagree and why." *Id.*

4. Accordingly, Apple and Motorola must meet and confer regarding the potential consolidation of the 2010 Case and the 2012 Case by May 14, 2012. The parties are currently scheduled to meet and confer on May 2, 2012

5. Motorola requests an enlargement of time, up through and including May 16, 2012 to respond to Apple's Motion to Amend The Procedural Schedule, so that the parties may

have adequate time to fully meet and confer in compliance with the Court's order. Apple does not oppose Motorola's request.

6. This motion is not filed for the purpose of delay but to conserve the resources of the parties and the Court, and to serve the interests of judicial efficiency.

7. Apple will not be prejudiced by the granting of the brief enlargement of time requested herein as evidenced by its agreement to the relief being requested herein.

WHEREFORE Motorola requests this Court to enter an Order granting it an enlargement of time up through and including May 16, 2012, to serve its Opposition to Apple's Motion to Amend The Procedural Schedule. A proposed order is attached.

CERTIFICATE OF COUNSEL

Pursuant to Local Rule 7.1(a)(3), I hereby certify that counsel for Motorola has contacted Apple's counsel regarding the requested enlargement of time and Apple's counsel has indicated that Apple does not object to the relief sought herein.

/s/ Sujey S. Herrera
Sujey S. Herrera

Dated: May 1, 2012

Respectfully submitted,

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Counsel for Plaintiff/Counterclaim-Defendant Motorola
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 1, 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/ Sujev S. Herrera

Sujev S. Herrera (Fla. Bar No. 92445)

SERVICE LIST

Motorola Mobility, Inc. v. Apple, Inc.

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

United States District Court, Southern District of Florida

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