

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

Consolidated Cases No.:10-23580 and 12-20271-CIV-SEITZ/SIMONTON

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE, INC.,

Defendant.

APPLE, INC.,

Counterclaim Plaintiff

v.

MOTOROLA, INC., *et al.*,

Counterclaim Defendants.

ORDER DECLINING TRANSFER

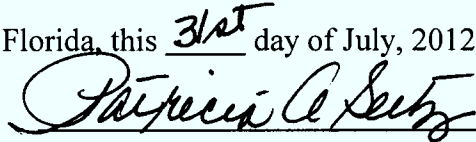
These two cases were transferred to the undersigned as part of the Court's Patent Pilot Project [DE-359]. Upon review of the cases, however, they are not "newly filed patent cases" appropriate for transfer pursuant to Administrative Order 2011-53. Case No. 10-23580 was filed on October 6, 2010, and contains more than 350 docket entries. Judge Robert N. Scola, Jr. recently consolidated that case with Case No. 12-20271, which was filed on January 24, 2012, and contains more than 110 docket entries. Consequently, these matters do not constitute "newly filed patent cases" appropriate for transfer through the Pilot Project.¹

¹The Order transferring the cases indicates that Judge Scola "did not transfer this case when the Patent Project first opened, as many motions were pending ruling." Order, p. 1 n.1 [DE-359]. The Pilot Project, however, was not designed for district judges to transfer all pending patent cases to the Project when it opened in July 2011. Only "newly filed patent cases" are appropriate for transfer. *See* Administrative Order 2011-53. This case was almost a year old with numerous pending motions when the District commenced the Pilot Project. Thus, this case was no more appropriate for transfer in July 2011, when the Pilot Project opened than it is now in July 2012.

Accordingly, it is

ORDERED THAT the undersigned declines transfer of these cases and the Clerk is directed to transfer the matters back to the transferor judge, the Honorable Robert N. Scola, Jr. Hereinafter all pleadings and documents filed in this matter shall bear the following case number and designation: No.:10-23580 and 12-20271-CIV-SCOLA

DONE and ORDERED in Miami, Florida, this 31st day of July, 2012.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record
Chief Judge Federico Moreno
Judge Michael K. Moore
Judge Donald M. Middlebrooks