

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

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

**Consolidated Cases**

Case No. 1:12-cv-20271-RNS

Case No. 1:10-cv-23580-RNS

APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC., et al.,

Counterclaim Defendants.

**AMENDED SCHEDULING ORDER  
AND ORDER ON APPLE'S MOTION TO AMEND SCHEDULE**

THIS MATTER is before the Court upon Apple's Motion to Amend the Procedural Schedule [ECF No. 132], filed on October 11, 2012. This Motion is **GRANTED IN PART**, as set forth below. To summarize, the Court adopts the parties' agreed-upon supplemental deadlines, as well as Apple's proposed deadline of February 4, 2013 to exchange claim terms for construction. The Court also selects December 14, 2012 as the deadline for the parties to accuse new products in this case.

This Amended Scheduling Order, which sets forth all case deadlines in one place, shall supersede all prior scheduling orders in this case. The following deadlines shall govern:

Case Event	Deadline
Infringement Contentions	Nov. 7, 2012
Invalidity Contentions	Dec. 5, 2012
Deadline for Accusing New Products	Dec. 14, 2012
Exchange Non-Infringement, Validity, and Secondary Consideration Contentions	Jan. 24, 2013
Deadline to Exchange Claim Terms for Construction	Feb. 4, 2013
Exchange Proposed Constructions (including extrinsic and intrinsic evidence)	Feb. 12, 2013
First Joint Interim Status Report	Mar. 1, 2013
File Proposed Joint Claim Constructions	Mar. 2, 2013
Opening Markman Brief Due	Mar. 5, 2013
Reply Markman Brief Due	Mar. 26, 2013
Markman Hearing (2012 claims)	Apr. 26, 2013
First Mediation Deadline	May 31, 2013
Fact Discovery Deadline	July 5, 2013
Opening Expert Reports Deadline	Aug. 16, 2013
Rebuttal Expert Reports Deadline	Sept. 6, 2013
Expert discovery Deadline	Oct. 4, 2013

Dispositive Motions Deadline	Nov. 1, 2013
Second Joint Interim Status Report	Nov. 8, 2013
Second Mediation Deadline	Nov. 15, 2013
Pretrial Motions (Motions in Limine / Daubert) Deadline	Jan. 31, 2014
Pretrial Stipulation and Proposed Jury Instructions Deadline	Mar. 24, 2014
Calendar Call	Apr. 15, 2014
Trial Period	Apr. 21, 2014

The parties shall comply with the following procedures and instructions:

1. Interim Joint Status Report. The parties are required to submit an interim joint status report addressing the following issues:

- a) Have all defendants been served? If not, state the reasons.
- b) Have all defendants responded to the complaint? If not, state the reasons.
- c) If this is a class action, has a motion for class certification been filed? If so, what is its status?
- d) Have the parties agreed on and selected a mediator? Have the parties agreed upon a place, date, and time for mediation?
- e) Have the parties engaged in informal settlement negotiations? If not, explain the reasons for the failure to do so. If yes, state the status of such negotiations (*e.g.*, ongoing, impasse, etc.) and the relative prospects for resolution through informal means.
- f) Describe the status of discovery conducted to date, and identify whether the parties reasonably believe that they will be able to complete discovery by the Court's deadline. If not, explain the reasons.
- g) Identify any other issues that the Court should be aware of that may affect the resolution of this matter or the schedule as currently set.
- h) For Fort Lauderdale/West Palm division cases, the parties shall indicate whether they prefer to try the case in Miami or Fort Lauderdale/West Palm.

2. Jury Instructions. The parties shall submit their proposed jury instructions jointly, though they need not agree on each proposed instruction. Where the parties do agree on a proposed instruction, that instruction shall be set out in regular typeface. Instructions proposed only by a plaintiff shall be underlined. Instructions proposed only by a defendant shall be bold-faced. Every instruction must be supported by a citation of authority. The parties shall use as a guide the Eleventh Circuit Pattern Jury Instructions for Civil Cases, including the directions to counsel, or the applicable state pattern jury instructions. The parties shall jointly file their proposed jury instructions via CM/ECF, and shall also submit their proposed jury instructions to the Court via e-mail at [scola@flsd.uscourts.gov](mailto:scola@flsd.uscourts.gov) in MS Word format (.doc).

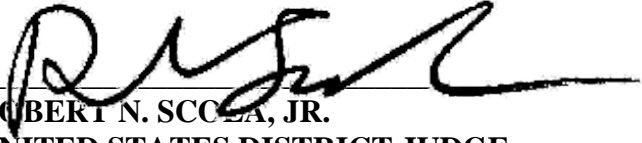
3. Trial Exhibits. All trial exhibits must be pre-marked. Plaintiff's exhibits shall be marked numerically with the letter "P" as a prefix. Defendant's exhibits shall be marked alphabetically with the letter "D" as a prefix. A list setting out all exhibits must be submitted at the time of trial. This list must indicate the pre-marked identification label (*e.g.*, P-1, or D-A) and must also include a brief description of the exhibit.

4. Deposition Designations. Any party intending to use deposition testimony as substantive evidence must designate by line and page reference those portions in writing. The designations must be served on opposing counsel and filed with the Court fourteen days before the deadline to file the joint pretrial stipulation. The adverse party must serve and file any objections and any cross-designations within seven days. The initial party shall then have seven days to serve and file objections to the cross-designations.

5. Voir Dire Questions. The Court will require each prospective juror to complete a brief written questionnaire prior to the commencement of questioning in the courtroom. Any party may file, no more than five proposed, case-specific questions to be included in the questionnaire. The proposed questions must be filed with the Court at the time of the filing of the joint pretrial stipulation, and shall also be submitted to the Court via e-mail at [scola@flsd.uscourts.gov](mailto:scola@flsd.uscourts.gov) in MS Word format (.doc).

6. Settlement Notification. If this matter is settled, counsel are directed to inform the Court promptly via telephone (305-523-5140) and/or e-mail ([scola@flsd.uscourts.gov](mailto:scola@flsd.uscourts.gov)).

**DONE and ORDERED** in chambers, at Miami, Florida on October 24, 2012.



**ROBERT N. SCOLA, JR.**  
**UNITED STATES DISTRICT JUDGE**

*Copies to:*  
U.S. Magistrate Judge  
Counsel of Record