

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

Case No. 1:10cv023580-Civ-UU

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

**JURY TRIAL DEMANDED**

APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and  
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

**JOINT MOTION REGARDING PAGE LIMITS FOR  
CLAIM CONSTRUCTION BRIEFS AND [PROPOSED] ORDER**

Pursuant to Local Rule 7.1(c)(2), Apple Inc. (“Apple”) and Motorola Inc. and Motorola Mobility, Inc. (“Motorola”) (collectively, the “Parties”) jointly move the Court to increase the page limit for the upcoming opening and responsive claim construction briefs in this matter from 20 pages to 50 pages for each brief. In support of their Motion, the Parties state that:

1. This action involves claims by both Motorola and Apple for patent infringement with respect to twelve different patents.

2. On June 1, 2011, the Court entered an Order on Motion to Modify Scheduling Order and Modified Scheduling Order (“Modified Scheduling Order”).

3. The Modified Scheduling Order provides, *inter alia*, that the parties are to exchange proposed claim terms for construction on June 28, 2011; proposed claim constructions on July 7, 2011; opening claim construction briefs on July 28, 2011; and responsive claim construction briefs on August 18, 2011.

4. The parties are currently in the process of meeting and conferring regarding the number of claim terms to be briefed in the claim construction briefing, but due to the number of patents at issue in the case, the number of claim construction disputes between the parties far exceeds a number that can reasonably be briefed in 20-page claim construction briefs.

5. As of the date of this motion, the parties have narrowed their key claim construction disputes to approximately 30 terms, which amounts to an average of only 2.5 terms per patent in the case.<sup>1</sup> Even this narrowed set of disputes, however, cannot reasonably be briefed in 20-page briefs, and even 50-page briefs would allow for less than two pages per claim term. Therefore, the parties are currently meeting and conferring to narrow further the list of claim terms to be briefed.

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<sup>1</sup> Given that the parties have asserted more than one claim from many of the patents at issue, 2.5 terms per patent is already a low number for the number of patent claims in the case. Indeed, Apple has asserted 93 claims and Motorola has asserted 20 claims.

6. The parties' proposal that the Court allow 50 pages of briefing per brief, both for opening and claim construction briefs, will allow the parties to brief several of the key claim construction disputes between the parties.<sup>2</sup>

WHEREFORE, the Parties respectfully request that the Court enter an order setting the page limit for opening and responsive claim construction briefs in this matter at 50 pages per brief.

Dated: July 5, 2011

Respectfully submitted,

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<sup>2</sup> As previously noted, even 50-page claim construction briefs will not allow the parties to brief every claim construction dispute that exists regarding the twelve patents at issue in this case. Therefore, the parties respectfully request that the Court allow them to reserve the right to raise further claim construction disputes at a later point in the case.

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**[PROPOSED] ORDER**

IT IS SO ORDERED.

Date: \_\_\_\_\_

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URSULA UNGARO  
UNITED STATES DISTRICT JUDGE