

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

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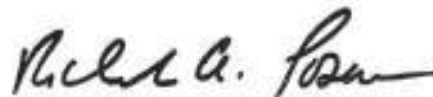
APPLE INC. and NeXT SOFTWARE	)	
INC. (f/k/a NeXT COMPUTER, INC.),	)	
	)	
<i>Plaintiffs,</i>	)	No. 1:11-cv-08540
	)	
v.	)	
	)	Judge Richard A. Posner.
MOTOROLA, INC. and MOTOROLA	)	
MOBILITY, INC.,	)	
	)	
<i>Defendants.</i>	)	

**INSTRUCTIONS TO COURT-APPOINTED  
DAMAGES EXPERT (FED. R. EVID. 706(b))**

Pursuant to Fed. R. Evid. 706(b), I hereby instruct Professor John Golden, the court-appointed damages expert (nominated by agreement of the parties), as follows:

1. You will serve as a neutral, independent expert beholden to neither party, and will assist the court and the jury by providing expert analysis and opinions concerning damages sought by Apple and/or Motorola for patent infringement, should the jury find infringement.
2. The parties will provide me with materials to forward to you that you may find helpful when forming your opinions. You may also request additional materials and conduct your own research.
3. I may ask your advice on whether the opinions formed by the parties' damages experts are the result of responsible research and analysis. You may, if you wish, confer with the parties' damages experts, in the presence of their lawyers if the parties so desire.

4. You shall treat all materials that you receive in connection with this matter as confidential, and will destroy all materials related to this matter at its conclusion.
5. Apart from management details, I will meet with you, or confer by phone with you, only in the presence of the parties' lawyers and, if they wish, some or all of the party experts.
6. You shall submit by June 4, 2012, a short written report explaining your findings with regard to the subject of your expert inquiry.
7. You shall sit for a deposition during the week of June 4, 2012, to last no more than 8 hours, in one day, or if you prefer in two consecutive days. I shall preside at the deposition.
8. You will testify at the trial. I will introduce you as an expert selected by me and beholden to neither party. You will explain to the jury in simple language and in narrative form your opinion with regard to the damages issues. The parties may cross-examine you. The trial will be in the latter part of June. I will tell you well in advance on which day (or days) you will be needed to testify.
9. You may reach me by email if questions come up, if you require additional materials, or if you encounter any difficulties in accomplishing your assigned tasks. You may contact me via my law clerks, whose email addresses are Mark\_Savignac@ca7.uscourts.gov, Timothy\_Shapiro@ca7.uscourts.gov, and Daniel\_Siegfried@ca7.uscourts.gov. You should copy the following attorneys for the parties on any such emails: For Apple, Matthew Powers, at matthew.powers@tensegritylawgroup.com, and for Motorola, Steven Swedlow, at stephenswedlow@quinnemanuel.com.
10. You will be compensated for the time you devote to the case at the hourly rate that we've discussed, plus expenses that you incur. You will submit timesheets to me, and each party will pay 50 percent of your bill.



United States Circuit Judge

March 29, 2012