

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC. and NeXT SOFTWARE,)
INC. (f/k/a NeXT COMPUTER, INC.),)
)
Plaintiffs,)
)
)
v.)
)
MOTOROLA, INC. and MOTOROLA)
MOBILITY, INC.)
)
Defendants.)

Case No. 10-CV-662-BBC
JURY TRIAL DEMANDED

**MOTOROLA'S NOTICE OF SUPPLEMENTAL AUTHORITY CONCERNING CLAIM
CONSTRUCTION**

Defendants Motorola Solutions, Inc. and Motorola Mobility, Inc. (collectively, "Motorola") respectfully submit the attached public Initial Determination published on August 24, 2011 by the United States International Trade Commission ("ITC") In the Matter of CERTAIN PERSONAL DATA AND MOBILE COMMUNICATION DEVICES AND RELATED SOFTWARE, Investigation No. 337-TA-710 ("the ITC-710 investigation"). In the ITC-710 investigation, plaintiffs Apple Inc. and NeXT Software, Inc. (collectively, "Apple") asserted U.S. Patent No. 5,481,721 ("the '721 patent") against HTC Corp., HTC America, Inc., and Exedea, Inc. Apple similarly asserts the '721 patent against Motorola in this action. The parties in the ITC-710 investigation disputed the proper construction of the term "dynamic binding" from the '721 patent. The parties in this action also dispute the proper construction of that term. The ALJ in the ITC-710 investigation adopted a construction similar to the one proposed by Motorola. The ALJ also rejected Apple's proposed construction, which is similar to

the one Apple proposes here. The ALJ set forth his basis for reaching this conclusion on pages 219 through 223 of the Initial Determination.

Dated: August 26, 2011

Respectfully submitted,

MOTOROLA MOBILITY, INC.

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