

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

APPLE INC., and NEXT SOFTWARE,
INC. (f/k/a NeXT COMPUTER, INC.),

Plaintiffs and
Counterclaim-
Defendants,

v.

Case No. 10-CV-662 (BBC)

MOTOROLA, INC. and MOTOROLA
MOBILITY, INC.

Defendants and
Counterclaim-
Plaintiffs

**MOTION OF PLAINTIFFS AND COUNTERCLAIM-DEFENDANTS APPLE INC. AND
NEXT SOFTWARE, INC. FOR A STAY PURSUANT TO FED. R. CIV. P. 19**

Plaintiffs and Counterclaim-Defendants Apple Inc. and NeXT Software, Inc. (collectively “Apple”) hereby move this Court for an order, pursuant to Fed. R. Civ. P. 19 and this Court’s inherent powers, to stay the present litigation — both Apple’s claims and also Motorola Mobility, Inc.’s (“Motorola”) counterclaims. The basis of this motion is that Motorola lacks prudential standing to enforce the patents it has asserted against Apple.

This motion is supported by Apple’s Memorandum of Points and Authorities in support of this motion to stay, as well as the accompanying Declaration of Samuel F. Ernst and exhibits thereto (filed concurrently with this motion).

Dated: September 9, 2011

Respectfully submitted,

/s/ Samuel F. Ernst

Robert D. Fram (CA Bar No. 126750)
rfram@cov.com
Christine Saunders Haskett (CA Bar No. 188053)
chaskett@cov.com
Samuel F. Ernst (CA Bar No. 223963)
sernst@cov.com
Winslow B. Taub (CA Bar No. 233456)
wtaub@cov.com
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111-5356
Telephone: (415) 591-6000
Facsimile: (415) 591-6091

Robert T. Haslam (CA Bar No. 71134)
rhaslam@cov.com
COVINGTON & BURLING LLP
333 Twin Dolphin Drive, Suite 700
Redwood Shores, CA 94065-1418
Telephone: (650) 632-4700
Facsimile: (650) 632-4800

Mark G. Davis
mark.davis@weil.com
WEIL, GOTSHAL & MANGES LLP

1300 Eye Street, N.W., Suite 900
Washington, DC 20005
Telephone: (202) 682-7000
Facsimile: (202) 857-0940

Elizabeth Stotland Weiswasser
elizabeth.weiswasser@weil.com
WEIL, GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Matthew D. Powers
Matthew.Powers@tensegritylawgroup.com
Steven Cherensky
Steven.Cherensky@tensegritylawgroup.com
Tensegrity Law Group LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: 650-802-6000
Facsimile: 650-802-6001

James Donald Peterson (# 1022819)
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719
Telephone: (608) 257-3911
Facsimile: (608) 257-0609
*Attorneys for Plaintiffs Apple Inc.
and NeXT Software, Inc.*