

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

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

Plaintiffs and
Counterclaim-
Defendants,

Case No. 10-CV-662 (BBC)

v.

MOTOROLA, INC. and MOTOROLA
MOBILITY, INC.,

Defendants and
Counterclaim-
Plaintiffs.

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE IN
OPPOSITION TO PLAINTIFFS AND COUNTERCLAIM DEFENDANTS
APPLE INC. AND NEXT SOFTWARE, INC.'S MOTION FOR STAY**

Defendants and Counterclaim-Plaintiffs Motorola, Inc. and Motorola Mobility, Inc. ("Motorola"), by their undersigned attorneys, respectfully request that this Court grant them a five-day-extension of time, or until **September 21, 2011**, to file a brief in opposition to Plaintiffs and Counterclaim-Defendants Apple, Inc. and NeXT Computer Inc.'s ("Apple") Motion to Stay under Fed. R. Civ. P. 19.

On September 9, 2011, Apple filed a motion to stay asserting that Motorola lacked prudential standing to maintain this action as a result of a recent agreement under which Google acquired certain rights with respect to Motorola's patents. Although framed as a type of discovery motion, the subject-matter of the motion—prudential standing—is more complex than would ordinarily be presented in such a motion. In order to fully address the standing issues raised in Apple's motion, Motorola respectfully

requests a short, five-day extension—two of which are weekend days—to prepare its response. This additional time is requested to allow Motorola's patent-litigation attorneys time to obtain any affidavits or other documentation that it may determine are necessary and to prepare a written brief addressing both the factual and legal basis for Motorola's opposition to Apple's challenge to Motorola's prudential standing.

Motorola does not expect that this five-day-extension of time will adversely or materially affect the progress of litigation in this case and counsel for Motorola has contacted counsel for Apple and has been advised that Apple does not object to the short extension requested provided that Apple's deadline for filing a response is moved from September 21, 2011 to September 29, 2011.

Respectfully submitted this 12th day of September, 2011.

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