

**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

**MOTOROLA MOBILITY, INC. AND MOTOROLA SOLUTIONS, INC.'S MOTION TO
DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1)**

Defendants Motorola Mobility, Inc. and Motorola Solutions, Inc. (collectively "Motorola") hereby respectfully move to dismiss Counts V, VII, XIII, and XV of Apple Inc.'s and NeXT Software Inc.'s Amended Complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil procedure 12(b)(1) and for and for any other relief to which Motorola may be entitled. The grounds for this Motion are set forth in the accompanying Memorandum of Points and Authorities.

Dated: November 4, 2011

Respectfully submitted,

MOTOROLA MOBILITY, INC.

By: /s/ James M. Burrows

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