

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'S CORRECTED MOTION FOR SUMMARY JUDGMENT

Defendants Motorola Solutions, Inc. and Motorola Mobility, Inc. (collectively "Defendants") hereby move this Court, pursuant to Federal Rule of Civil Procedure 56, for summary judgment that:

- (1) Defendants do not infringe claims 1 and 5 of U.S. Patent No. 5,481,721;
(2) Defendants do not infringe claim 1 and 6 of U.S. Patent No. 5,566,337;
(3) Defendants do not infringe claims 1 and 2 of U.S. Patent No. 6,343,263;
(4) Defendants do not infringe claims 1, 21, and 46 of U.S. Patent No. 6,493,002;
(5) Defendants do not infringe claim 1 of U.S. Patent No. RE39,486;
(6) Defendants do not infringe claims 7 and 11 of U.S. Patent No. 5,929,852;
(7) Defendants do not infringe claim 1 of U.S. Patent No. 5,519,867;
(8) Defendants do not infringe claim 7 of U.S. Patent No. 5,915,131;
(9) Defendants do not infringe claims 1, 7 and 16 of U.S. Patent No. 6,275,983;
(10) Claims 15 and 26 of U.S. Patent No. 5,455,599 are invalid due to indefiniteness under 35 U.S.C. § 112;

- (11) Claims 1, 2, 9, and 10 of U.S. Patent No. 7,479,949 are invalid due to indefiniteness under 35 U.S.C. § 112, or in the alternative, Defendants do not infringe U.S. Patent No. 7,479,949;
- (12) U.S. Patent No. 5,572,193, U.S. Patent No. 6,359,898, U.S. Patent No. 5,319,712, U.S. Patent No. 5,311,516 and U.S. Patent No. 6,175,559 are not unenforceable due to estoppel or unclean hands;
- (13) U.S. Patent No. 6,359,898, U.S. Patent No. 5,319,712 and U.S. Patent No. 5,311,516 are not unenforceable due to inequitable conduct;
- (14) U.S. Patent No. 5,319,712 and U.S. Patent No. 6,175,559 are not invalid under 35 U.S.C. § 101;
- (15) Claim 17 of U.S. Patent No. 5,319,712 is not invalid due to lack of written description or lack of enablement under 35 U.S.C. § 112;
- (16) Claim 31 of U.S. Patent No. 5,572,193 is not invalid due to lack of written description or lack of enablement under 35 U.S.C. § 112;
- (17) Claims 1 and 2 of U.S. Patent No. 6,359,898 are not invalid due to indefiniteness, lack of written description or lack of enablement under 35 U.S.C. § 112; and
- (18) Claim 5 of U.S. Patent No. 6,175,559 is not invalid due to indefiniteness under 35 U.S.C. § 112.

Motorola's motion is based upon the Motion, the Brief in Support of Motorola's Motion, Motorola's Proposed Findings of Fact, and all cited record references therein.

Dated: November 14, 2011

Respectfully submitted,

MOTOROLA MOBILITY, INC.  
MOTOROLA SOLUTIONS, INC.

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