

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 the U.S. Patent No. 6,493,002;
(5) Defendants do not infringe claim 1 of the 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 the 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. 5,572,193, 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 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; ~~and~~

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 ~~4~~14, 2011

Respectfully submitted,

MOTOROLA MOBILITY, INC.
MOTOROLA SOLUTIONS, INC.

By: s/ Scott W. Hansen
Scott W. Hansen

Edward J. DeFranco
Alexander Rudis
Richard W. Erwine
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100
Email: eddefranco@quinnemanuel.com
alexanderrudis@quinnemanuel.com
richarderwine@quinnemanuel.com

David A. Nelson
Quinn Emanuel Urquhart & Sullivan, LLP
500 West Madison St., Suite 2450
Chicago, IL 60661
Email: davenelson@quinnemanuel.com

Robert W. Stone
Brian Cannon
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
Email: robertstone@quinnemanuel.com
briancannon@quinnemanuel.com

Charles K. Verhoeven
Quinn Emanuel Urquhart & Sullivan, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Email: charlesverhoeven@quinnemanuel.com

Scott W. Hansen
Lynn M. Stathas
Lisa Nester Kass
Reinhart Boerner Van Deuren s.c.
22 East Mifflin Street
P.O. Box 2018
Madison, WI 53701-2018
Telephone: (608) 229-2200
Facsimile: (608) 229-2100
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
Telephone: (414) 298-1000
Facsimile: (414) 298-8097
Email: shansen@reinhartlaw.com
lstathas@reinhartlaw.com
lkass@reinhartlaw.com

*Attorneys for Defendants Motorola
Solutions, Inc. and Motorola Mobility, Inc.*

REINHART\8013643