



exceeds 200 pages and includes more than 100 supporting exhibits. (*Id.*) Motorola's supporting memorandum exceeds 160 pages and also includes a similar number of exhibits. (*Id.*) As this Court is aware, Apple is asserting thirteen patents and Motorola is asserting five patents, concerning complex and distinct subject matter. Given the complexity of the subject matter and the breadth of the arguments presented, Motorola believes additional time would assist the parties in preparing proper responsive and reply briefs to best assist the Court in resolving these motions.

2. The summary judgment motions provide the best opportunity to pare the case, to the extent appropriate, before trial. Given the number of patents at issue and the voluminous summary judgment filings, the parties and the Court should have ample time to dedicate to these filings.

3. Additional time is also necessary to allow for depositions of two third-party witnesses who provided declarations in support of Apple's motion for summary judgment (and whose declarations were not provided before Apple's motion) and to incorporate testimony from those depositions into Motorola's response and reply briefs.<sup>1</sup>

4. Motorola is sensitive to the fact that extending these dates will reduce the time the Court will have to analyze the summary judgment motions before trial. Motorola would be amenable to an extension of the trial date as necessary to provide sufficient time to resolve these motions and thereby pare down the case for the jury. As Apple itself has

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<sup>1</sup> Motorola is currently scheduled to depose George Kondylis of Broadcom Corp. and Ken Ho of Marvell Semiconductor, Inc. on November 17 and 22, respectively. Messrs. Kondylis's and Ho's testimony is relevant to Motorola's response to Apple's arguments regarding Motorola patent nos. 5,311,516, 5,219, 712, and 5,572,193.

recently moved to stay this case (Dkt. Nos. 154-156 ), Apple could suffer no cognizable prejudice to such an extension.

Accordingly, Motorola respectfully requests that this Court grant the extension to the summary judgment briefing schedule set forth above, and, to the extent necessary, hold a scheduling conference to discuss extending the trial date in this case.

Dated: November 16, 2011

Respectfully submitted,

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