

**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
JURY TRIAL DEMANDED

STIPULATION REGARDING DOCUMENTARY EVIDENCE

IT IS HEREBY STIPULATED by the undersigned counsel for Defendants Motorola, Inc. d/b/a Motorola Solutions, Inc. ("Solutions") and Motorola Mobility, Inc. ("Motorola") (collectively "Defendants") and Plaintiffs Apple Inc. ("Apple") and NeXT Software, Inc.'s ("NeXT's") (collectively, "Plaintiffs") (the "parties") that:

1. Any document, including source code, that was produced in discovery by a party that on its face appears to have been authored by an employee, officer or agent of the party producing such document, shall be deemed to be a true and correct copy of a document maintained in that party's files as of the date of the party's document collection under Federal Rule of Evidence 901. Such authentication does not preclude a party from raising any other objection to the admissibility of such documents.

2. Any publication or article, including but not limited to documents submitted to and maintained by Standards Setting Organizations, that was produced in discovery by a party, but that appears to have been authored by a third party, shall be deemed to be a true

and correct copy of that publication or article from the third party author under Federal Rule of Evidence 901. Moreover, to the extent the publication or article (or corresponding bibliographic data) specifies a date of that document (e.g., timing of publication, print, authorship, disclosure, etc.) and/or the source (e.g., name of journal or proceedings), that publication or article shall be attributed with such date and/or source specified.

3. Legible photocopies of U.S. and foreign patents, published applications, and the contents of their associated file histories, may be offered and received into evidence in lieu of certified copies thereof, subject to all other objections that may be made to admissibility. In addition, copies of such documents are deemed to be authentic under the Federal Rules of Evidence, include Federal Rule of Evidence 901.

4. None of the foregoing stipulations in paragraphs 1 through 3 shall serve as a waiver of any other objections a party may have to the trial exhibits, or abrogate the requirement that the party offering the document into evidence satisfy any other rules governing the admissibility of evidence set forth in Federal Rules of Evidence, the Federal Rules of Civil Procedure, Local Rules, the Court's individual practices, or any other applicable rule or regulation. Additionally, none of the foregoing stipulations in paragraphs 1 through 3 shall serve as an admission, concession, or agreement by any party of any legal significance of a document and/or attributed date from paragraph 2 beyond authentication, nor preclude a party from raising any other objection concerning the document.

5. This Stipulation applies to this above-captioned litigation, *Apple, Inc., et al. v. Motorola, Inc., et al.*, Case No. 10-CV-662 (BBC) (W.D. Wisc.), as well as the litigations captioned, *Apple, Inc. v. Motorola Mobility, Inc.*, Case No. 11-CV-178 (BBC) (W.D. Wisc.), and *Motorola Mobility, Inc. v. Apple, Inc.*, Case No. 1:10cv023480-Civ-UU (S.D. Fla.).

We hereby stipulate to the entry of the foregoing.

Dated: November 28, 2011

Respectfully submitted,

/s/ Christine Saunders Haskett

/s/ Lynn M. Stathas

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*Attorneys for Defendant Motorola Mobility,
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SO ORDERED this _____ day of _____, 2011.

UNITED STATES DISTRICT JUDGE