

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

APPLE INC. and NeXT SOFTWARE,	)	
INC. (f/k/a NeXT COMPUTER, INC.),	)	
	)	
Plaintiffs,	)	Case No. 10-CV-662-bbc
	)	
	)	
v.	)	
	)	
MOTOROLA, INC. and MOTOROLA	)	
MOBILITY, INC.	)	
	)	
Defendants.	)	

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**DEFENDANTS' MOTION TO DISMISS OR TO SEVER AND TRANSFER CLAIMS  
IN PLAINTIFFS' AMENDED COMPLAINT BASED ON PATENTS AT ISSUE IN AN  
EARLIER-FILED DELAWARE ACTION**

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Defendants Motorola Mobility, Inc. ("Motorola") and Motorola, Inc. ("MI") hereby respectfully move to dismiss Counts IV through XV of Apple Inc.'s ("Apple's") and NeXT Software, Inc.'s ("NeXT's") Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(3). Alternatively, Defendants move to sever Counts IV through XV of the Amended Complaint and transfer these claims to the District of Delaware pursuant to Fed. R. Civ. P. 21 and 28 U.S.C. § 1404(a). The grounds for this motion are set forth in Defendants' accompanying brief in support.

Respectfully submitted this 23rd day of December, 2010.

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*\* Motion for Pro Hac Vice Admission  
Pending*

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