

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

DEFENDANTS' MOTION TO STAY CERTAIN DISCOVERY PENDING
RESOLUTION OF THEIR MOTION TO DISMISS OR SEVER AND TRANSFER

Defendants Motorola Mobility, Inc. ("Mobility") and Motorola Solutions, Inc. ("Solutions") (collectively, "Defendants") hereby move this Court for an order, pursuant to Fed. R. Civ. P. 26(c) and (d) or this Court's own inherent powers, staying discovery with respect to twelve patents asserted by Plaintiffs Apple Inc. and NeXT Software, Inc. in their Amended Complaint (D.I. 12) filed December 2, 2011 - U.S. Patent Nos. 5,455,599; 5,481,721; 5,519,867; 5,566,337; 5,915,131; 5,929,852; 5,946,647; 5,969,705; 6,275,983; 6,343,263; 6,424,354; and RE 39,486 - pending resolution of 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, filed December 23, 2010. (D.I. 28.)

Defendants hereby certify that they have met and conferred with Plaintiffs in a good faith effort to resolve this dispute, including telephone conversations on February 22, 25, and 28, 2011 with Plaintiffs' counsel. Despite these good faith efforts, the parties were unable to reach a resolution.

Grounds for this motion are set forth in an accompanying memorandum of law and in the supporting Declaration of Rebecca F. Kennedy, filed concurrently herewith.

Respectfully submitted this 2nd day of March, 2011.

MOTOROLA MOBILITY, INC. &  
MOTOROLA SOLUTIONS, INC.

By: /s/ Rebecca F. Kennedy

*Of Counsel*

Charles K. Verhoeven  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700  
Email: charlesverhoeven@quinnemanuel.com

David A. Nelson (6209623)  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
500 West Madison St., Ste. 2450  
Chicago, IL 60661  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401  
Email: davenelson@quinnemanuel.com

Edward J. DeFranco  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100  
Email: eddefranco@quinnemanuel.com

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

Scott W. Hansen (1017206)  
Lynn Stathas (1003695)  
Rebecca Frihart Kennedy (1047201)  
REINHART BOERNER VAN DEUREN,  
S.C.  
22 East Mifflin Street  
P.O. Box 2018  
Madison, WI 53701-2018  
Phone: (608) 229-2200  
Fax: (608) 229-2100  
Email: shansen@reinhartlaw.com  
lstathas@reinhartlaw.com  
rkennedy@reinhartlaw.com