

**IN THE 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-00662-BBC

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**APPLE'S MOTION TO COMPEL DISCOVERY  
REGARDING CERTAIN ASSERTED PATENTS**

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Plaintiffs Apple Inc. and NeXT Software, Inc. (collectively “Apple”) hereby move this Court for an order, pursuant to Fed. R. Civ. P. 37(a) and this Court’s inherent powers, to compel discovery from Motorola Mobility, Inc. and Motorola Solutions, Inc. (collectively “Motorola”) regarding U.S. Patent Nos. RE 39,486; 6,424,354; 6,343,263; 6,275,983; 5,969,705; 5,946,647; 5,929,852; 5,915,131; 5,566,337; 5,519,867; 5,481,721; and 5,455,599. This motion is supported by “Apple’s Memorandum in Opposition to Motorola’s Motion to Stay Certain Discovery Pending Resolution of Their Motion to Dismiss or Sever and Transfer and in Support of Apple’s Motion to Compel Discovery Regarding Certain Asserted Patents” as well as the accompanying Declaration of Steven S. Cherensky and exhibits thereto (filed concurrently with this motion). The accompanying memorandum and declaration also serve as Apple’s opposition to Motorola’s “Motion to Stay Certain Discovery Pending Resolution of Their Motion to Dismiss or Sever and Transfer” (D.I. 59).

Apple hereby certifies that it met and conferred with Motorola telephonically on February 18, February 25, March 1, and March 2, but has been unable to resolve this dispute despite good faith efforts to do so.

Dated: March 4, 2011

Respectfully submitted,

s/ James D. Peterson

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Attorneys for Plaintiff APPLE INC.

## CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2011, I caused these documents to be electronically filed with the Clerk of Court using the ECF system, which will make these documents available to all counsel of record for viewing and downloading from the ECF system.

- APPLE'S MOTION TO COMPEL DISCOVERY REGARDING CERTAIN ASSERTED PATENTS;
- APPLE'S MEMORANDUM IN OPPOSITION TO MOTOROLA'S MOTION TO STAY CERTAIN DISCOVERY PENDING RESOLUTION OF THEIR MOTION TO DISMISS OR SEVER AND TRANSFER AND IN SUPPORT OF APPLE'S MOTION TO COMPEL DISCOVERY REGARDING CERTAIN ASSERTED PATENTS; and
- DECLARATION OF STEVEN S. CHERENSKY IN SUPPORT OF APPLE'S MEMORANDUM IN OPPOSITION TO MOTOROLA'S MOTION TO STAY CERTAIN DISCOVERY PENDING RESOLUTION OF THEIR MOTION TO DISMISS OR SEVER AND TRANSFER AND IN SUPPORT OF APPLE'S MOTION TO COMPEL DISCOVERY REGARDING CERTAIN ASSERTED PATENTS [FILED UNDER SEAL].

s/ James D. Peterson  
James D. Peterson