

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.

ORDER

10-cv-662-bbc

This patent infringement case is scheduled for a claim construction hearing on July 22, 2011. Plaintiffs Apple, Inc. and NeXT Software, Inc. have filed a motion with the court asking permission to submit with their responsive claim construction brief a technical tutorial that will provide explanation regarding some of the more complicated technologies implicated by the claim construction disputes. The proposed tutorial would be in the form of a presentation on a DVD. In response, defendants Motorola, Inc. and Motorola Mobility, Inc. state that a technical tutorial is unnecessary because the parties can make presentations regarding the relevant technology at the hearing.

Because there are multiple patents and complex technologies implicated by the parties' claim construction disputes, a technical tutorial may be helpful and allow the parties

to focus their hearing presentations on the disputed claim terms rather than the underlying technology. Therefore, I will grant plaintiffs' request. Each side may submit a technical tutorial that is no more than one hour. Also, the parties may make brief presentations on the relevant technology to the court during the course of the hearing if they wish to do so.

I note that the tutorials will be of limited use to the court if the parties present substantially different descriptions of the relevant technology or use the tutorials to further their arguments about infringement or invalidity. Thus, the tutorials should focus on the underlying technology only and should not be directed to the parties' disputes regarding limitations in the claim terms. I do not want the submission of the tutorials to present an opportunity for the parties to argue about their content; if the parties view it in that light, I will simply reject the submissions without viewing them. To the extent that the parties have minor and limited objections to the other side's tutorial, they may address those objections at the July 22 hearing.

ORDER

IT IS ORDERED that each side may submit a technical tutorial regarding the technology relevant to its claim construction disputes. The tutorial can be no longer than

one hour and must be submitted by July 15, 2011. The parties may also present information on the relevant technology at the hearing scheduled for July 22, 2011.

Entered this 28th day of June, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge