IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 1:10cv023580-Civ-RNS

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

AMENDED SCHEDULING ORDER AND ORDER REFERRING DISCOVERY MATTERS TO THE MAGISTRATE JUDGE

THIS MATTER is before the Court upon an independent review of the record following reassignment, as well as the Joint Motion for Amended Scheduling Order [ECF No. 203], filed by Apple Inc. and Motorola Solutions, Inc. and Motorola Mobility, Inc. Upon consideration of the record, the prior scheduling orders in this case, and the Motion filed by the parties, it is hereby **ORDERED and ADJUDGED** as follows:

1. The Motion is **GRANTED IN PART**. The parties shall comply with the following deadlines and procedures. This Amended Scheduling Order supersedes all prior scheduling orders in this case. This matter is hereby set for trial during the two week period beginning **September 24, 2012**. Calendar call will be held at 9:00 a.m. on the preceding Tuesday, **September 18, 2012**, at the Wilkie D. Ferguson, Jr. United States Courthouse,

400 N. Miami Avenue, Courtroom 12-3, Miami, Florida. A pretrial conference will be held immediately following calendar call only if requested by the parties in advance.

Amended Case Schedule

Jan. 16, 2012	Deadline to file joint interim status report.
Feb. 3, 2012	Deadline to complete mediation.
Mar. 16, 2012	Deadline to complete all fact discovery Deadline to submit joint notice indicating whether the parties consent to jurisdiction before the designated magistrate judge for purposes of final disposition. Deadline to exchange expert witness summaries/reports pursuant to Federal Rule of Civil Procedure 26(a)(2) and Local Rule 16.1(k). Rebuttal disclosures are permitted, and shall conform to the deadline set forth in Federal Rule of Civil Procedure 26(a)(2)(C)(ii).
Apr. 13, 2012	Deadline to complete all expert discovery.
Apr. 20, 2012	Deadline for the filing of all dispositive motions.
June 1, 2012	Deadline for the filing of pretrial motions, including motions *in limine* and *Daubert* motions
Sept. 13, 2012	Deadline to file joint pretrial stipulation pursuant to Local Rule 16.1(e) and pretrial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(3). Deadline to file proposed jury instructions (if the matter is set for a jury trial) or proposed findings of fact and conclusions of law (if the matter is set for a bench trial) pursuant to Local Rule 16.1(k).

2. Mediation. The Order of Referral to Mediation [ECF No. 46] remains in place, however the parties shall comply with the deadline set forth above. The Court notes that the parties submitted a proposed order setting mediation for July 14, 2011 [ECF No. 79], but no order was apparently entered on that proposal and it is unclear from the docket whether the parties have in fact completed mediation. If they have done so, the parties are directed to immediately file a notice indicating the date and time the mediation was held, the mediator before whom it was held, and the outcome. If the parties have yet to mediate, they shall complete the mediation conference no later than **February 3, 2012** and shall file a notice regarding the outcome of the mediation within seven days thereafter.

3. Interim Joint Status Report. The parties are required to submit an interim joint status report addressing the following issues:

a) Have the parties engaged in informal settlement negotiations? If not, explain the reasons for the failure to do so. If yes, state the status of such negotiations (*e.g.*, ongoing, impasse, etc.) and the relative prospects for resolution through informal means.

b) Describe the status of discovery conducted to date, and identify whether the parties reasonably believe that they will be able to complete discovery by the Court's deadline. If not, explain the reasons.

c) Identify any other issues that the Court should be aware of that may affect the resolution of this matter or the schedule as currently set.

d) For Fort Lauderdale/West Palm division cases, the parties shall indicate whether they prefer to try the case in Miami or Fort Lauderdale/West Palm.

4. Discovery Matters Referred to Magistrate Judge. Pursuant to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, all discovery motions in this matter are referred to the designated magistrate judge to take all necessary and proper action as required by law.[1] Any motion affecting the deadlines set by the Court's Scheduling Order is excluded from this referral. In filing any discovery motions, the parties shall adhere to the following discovery procedures. Discovery motions (which must contain the Local Rule 7.1(a)(3) certification of good-faith conference) shall be handled on an expedited briefing schedule, and with a shortened page limitation, to prevent delay to the pretrial schedule. Accordingly, the parties shall file responses to motions to compel and motions for protective orders no later than the fifth business day after a motion is filed. Any reply memoranda shall be filed no later than the third business day after a response is filed. Any contrary deadlines that may appear on the Court's docket or the attorneys' deadline report, generated by CM/ECF, cannot modify this Order. These deadlines are inclusive of the "mailing" days allotted by the Federal and Local Rules. Any discovery motion and response, including the incorporated memorandum of law, shall not exceed ten pages. Any reply memoranda shall not exceed five

[1] Magistrate judges are designated as follows: Miami division cases, Judge Ted E. Bandstra; Fort Lauderdale division cases, Judge Robin S. Rosenbaum; West Palm Beach division cases, Judge James M. Hopkins.

pages. Additionally, the parties should note that Federal Rule of Civil Procedure 29 permits parties to stipulate to extend the time for responding to interrogatories, requests for production, or requests for admissions, unless such extension would interfere with the deadline set for completing discovery, for hearing a motion, or for trial.

5. Jury Instructions. The parties shall submit their proposed jury instructions jointly, though they need not agree on each proposed instruction. Where the parties do agree on a proposed instruction, that instruction shall be set out in regular typeface. Instructions proposed only by a plaintiff shall be underlined. Instructions proposed only by a defendant shall be bold-faced. Every instruction must be supported by a citation of authority. The parties shall use as a guide the Eleventh Circuit Pattern Jury Instructions for Civil Cases, including the directions to counsel, or the applicable state pattern jury instructions. The parties shall jointly file their proposed jury instructions via CM/ECF, and shall also submit their proposed jury instructions to the Court via e-mail at scola@flsd.uscourts.gov in MS Word format (.doc).

6. Trial Exhibits. All trial exhibits must be pre-marked. Plaintiff's exhibits shall be marked numerically with the letter "P" as a prefix. Defendant's exhibits shall be marked alphabetically with the letter "D" as a prefix. A list setting out all exhibits must be submitted at the time of trial. This list must indicate the pre-marked identification label (*e.g.*, P-1, or D-A) and must also include a brief description of the exhibit.

7. Deposition Designations. Any party intending to use deposition testimony as substantive evidence must designate by line and page reference those portions in writing. The designations must be served on opposing counsel and filed with the Court fourteen days before the deadline to file the joint pretrial stipulation. The adverse party must serve and file any objections and any cross-designations within seven days. The initial party shall then have seven days to serve and file objections to the cross-designations.

8. Voir Dire Questions. The Court will require each prospective juror to complete a brief written questionnaire prior to the commencement of questioning in the courtroom. Any party may file, no more than five proposed, case-specific questions to be included in the questionnaire. The proposed questions must be filed with the Court at the time of the filing of the joint pretrial stipulation, and shall also be submitted to the Court via e-mail at scola@flsd.uscourts.gov in MS Word format (.doc).

9. Settlement Notification. If this matter is settled, counsel are directed to inform the Court promptly via telephone (305-523-5140) and/or e-mail (scola@flsd.uscourts.gov).

DONE and ORDERED in chambers, at Miami, Florida, on December 19, 2011.

ROBERT N. SCOLA, JR.
UNITED STATES DISTRICT JUDGE

Copies to:
Designated U.S. Magistrate Judge
Counsel of record