

Case No. 2012-1548, -1549

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

APPLE INC.,)
and NeXT Software, Inc.)
(formerly known as NeXT)
Computer, Inc.))
Plaintiffs-Appellants,)
)
v.)
)
MOTOROLA, INC.)
(now known as Motorola)
Solutions, Inc.) and)
Motorola Mobility, Inc.)
Defendants-Cross Appellants.)
)

JOINT MOTION TO DISMISS THE APPEAL

Whereas all parties agree that it would be appropriate to dismiss this litigation without prejudice, and whereas none of the parties intend, therefore, to file a petition for rehearing or rehearing en banc or for writ of certiorari, Plaintiffs-Appellants Apple Inc. and NeXT Software, Inc. (formerly known as NeXT Computer, Inc.), together with Defendants-Cross Appellants Motorola, Inc. (now known as Motorola Solutions, Inc.)

and Motorola Mobility, Inc. (now known as Motorola Mobility LLC), respectfully move the Court to issue the mandate in these consolidated appeals, so that the parties can proceed to the district court to dismiss the litigation without prejudice. The parties further agree that each party will bear its own costs and attorneys' fees.

Dated: May 16, 2014

/s/ David A. Nelson
Amanda Scott Williamson
Stephen A. Swedlow
Quinn Emanuel Urquhart &
Sullivan, LLP
500 W. Madison Street, Suite 2450
Chicago, IL 60661

Kathleen M. Sullivan
Edward J. DeFranco
Raymond N. Nimrod
Quinn Emanuel Urquhart &
Sullivan, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010-1601

Charles Kramer Verhoeven
Brian Cosmo Cannon
Quinn Emanuel Urquhart &
Sullivan, LLP
50 California Street
San Francisco, CA 94111

*Counsel for Defendants-Cross
Appellants Motorola, Inc. and
Motorola Mobility, Inc.*

Respectfully submitted,

/s/ E. Joshua Rosenkranz
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019
(212) 506-5000

Mark S. Davies
Rachel M. McKenzie
T. Vann Pearce, Jr.
Orrick, Herrington & Sutcliffe LLP
1152 15th Street, N.W.
Washington, DC 20005

Counsel for Plaintiffs-Appellants

* Counsel for Defendants-Cross Appellants consented to the use of
their electronic signature herein.

CERTIFICATE OF INTEREST

Counsel for Plaintiffs-Appellants certify the following:

1. We represent Apple Inc. and NeXT Software, Inc.
2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented: Not applicable.
3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented: None. Apple Inc. has no parent corporation. According to Apple's Proxy Statement filed with the United States Securities and Exchange Commission in January 2014, there are no beneficial owners that hold more than 10% of Apple's outstanding common stock. NeXT Software, Inc. is a wholly owned subsidiary of Apple Inc.
4. The names of all law firms and the partners or associates that appeared for party or amicus now represented in trial court or agency or are expected to appear in this court are:

ORRICK, HERRINGTON SUTCLIFFE LLP:

E. Joshua Rosenkranz

Mark S. Davies

Rachel M. McKenzie

T. Vann Pearce, Jr.

Alyssa Caridis

Kelly M. Daley

Christopher J. Higgins

Katherine M. Kopp

Daniel Habib

Michael Spillner

WEIL GOTSHAL & MANGES LLP:

Jonathan Bloom

Anne M. Cappella

Brian C. Chang

Justin L. Constant

Mark G. Davis

David M. DesRosier

Brian E. Ferguson

Nathan A. Greenblatt

Jacqueline T. Harlow

Jill J. Ho

Edward S. Jou

Kevin S. Kudlac

Christopher T. Marando

Rodney R. Miller

Julian Moore

Danielle S. Rosenthal

Stephen K. Shahida

Rachelle H. Thompson

Robert T. Vlasits

Robert P. Watkins, III

Elizabeth S. Weiswasser

COVINGTON & BURLING LLP:

Elena M. DiMuzio
Christopher K. Eppich
Samuel F. Ernst
Robert D. Fram
Danielle L. Goldstein
Christine Saunders Haskett
Robert T. Haslam
Matthew J. Hawkinson
Richard A. Lopez
Anupam Sharma
Ranganath Sudarshan
Winslow B. Taub

TENSEGRITY LAW GROUP LLP:

Steven S. Cherensky
Paul T. Ehrlich
Monica M. Eno
Robert L. Gerrity
Azra Hadzimehmedovic
Matthew D. Powers
Stefani C. Smith

WILMER CUTLER PICKERING HALE & DORR LLP:

Joseph Mueller

GODFREY & KAHN, S.C.:

James D. Peterson
Bryan J. Cahill

BOARDMAN, SUHR, CURRY & FIELD LLP:

Catherine Cetrangolo

BRIDGES & MAVRAKAKIS LLP:

James A. Shimota
Lawrence Lien
Michael Pieja

SCHIFF HARDIN LLP:
Stacie R. Hartman

Date: May 16, 2014 Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ E. Joshua Rosenkranz
E. Joshua Rosenkranz
Counsel for Plaintiffs-Appellants

CERTIFICATE OF INTEREST

Counsel for Appellees-Cross-Appellants Motorola Mobility

LLC and Motorola Solutions, Inc. certifies the following:

1. The full name of every party or amicus represented by me is:

Motorola Mobility LLC, formerly known as Motorola Mobility, Inc. On June 22, 2012, Appellant Motorola Mobility, Inc. was converted into a Delaware limited liability company, changing its name to Motorola Mobility LLC.

Motorola Solutions, Inc., formerly known as Motorola, Inc., is incorporated under the laws of Delaware and has its principal place of business in Schaumburg, Illinois.

2. The name of the real parties in interest represented by me is:

None.

3. All parent corporation and any publicly held companies

that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Motorola Mobility LLC is a wholly owned subsidiary of Google Inc., a publicly held company.

The stock of Motorola Solutions, Inc. is publicly traded. No publicly held entity owns 10 percent or more of the stock of Motorola Solutions, Inc. Motorola Solutions, Inc. has no parent corporation.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this Court are:

QUINN EMANUEL URQUHART & SULLIVAN, LLP:

Jennifer Anne Bauer
Cheryl A. Berry
Jeffrey Neil Boozell
Meghan Bordonaro
Linda J. Brewer
Brian C. Cannon
Thomas W. Cushing
Edward J. Defranco
David Eiseman
David M. Elihu
Charles P. Emanuel
Richard W. Erwine
Kevin Johnson
Rebecca Frihart Kennedy
David A. Nelson
Raymond N. Nimrod
Graham Morris
Pechenik David
Andrew Perlson
Matthew Robson
Carlos A. Rodriguez
Alexander Rudis
David L. Shaul
Amy Lynn Signaigo
Kevin A. Smith
Robert William Stone
Kathleen M. Sullivan
Stephen A. Swedlow
Matthrew A. Traupman

Charles Kramer Verhoeven
Amanda S. Williamson
Thomas R. Watson

REINHART BOERNER VAN DEUREN, S.C.
Scott W. Hansen
Lisa Nester Kass
Lynn M. Stathas

SOBEL & FELLER LLP
Mitchell S. Feller

Dated: May 16, 2014

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/Kathleen M. Sullivan
Kathleen M. Sullivan

*Counsel for Defendants-Cross
Appellants*

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May, 2014, I caused the foregoing document to be electronically filed with the Clerk of the Court using CM/ECF, which will automatically send notification of such filing to all registered users.

By: /s/ E. Joshua Rosenkranz
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, N.Y. 10019
Telephone: (212) 506-5000
Facsimile: (212) 506-5151
Email: jrosenkranz@orrick.com

Counsel for Plaintiffs-Appellants