

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

APPLE INC. and NeXT SOFTWARE)	
INC. (f/k/a NeXT COMPUTER, INC.),)	
)	
<i>Plaintiffs,</i>)	No. 1:11-cv-08540
)	
v.)	
)	Judge Richard A. Posner.
MOTOROLA, INC. and MOTOROLA)	
MOBILITY, INC.,)	
)	
<i>Defendants.</i>)	

ORDER OF JANUARY 24, 2012

Confirming but also amplifying and augmenting the orders that I issued at the hearing yesterday, I order the following:

1. The parties shall file by the close of business on February 6, 2012 (all deadlines unless otherwise indicated are close of business on the date named), briefs setting forth their views of the proper remedies (not amounts, and not limited to pecuniary relief) should I find that Motorola is guilty of equitable estoppel, unclean hands, or some other equitable defense as a result of its alleged failure to offer reasonable nondiscriminatory license terms for its standards-essential patents.
2. The parties shall submit by January 30 a proposed schedule for completion of all discovery relating to damages (including fact discovery, designation of experts, submission of experts' reports, and depositions of experts) and for the nomination by the parties' damages experts of a neutral expert or experts (no more than two) on damages.
3. The parties shall file by February 13 briefs setting forth their views of the proper standard for the determination of damages for patent infringement.
4. The trial on equitable defenses will begin one week after the conclusion of the liability trial, and the trial on damages one week after the conclusion of the damages trial.

5. The parties shall by February 7 propose dates for *Daubert* hearings.
6. Michael Walker will not be permitted to testify. If Apple wishes to present testimony concerning the ETSI standards-setting process, it will have to submit by February 6 a brief explaining why the written rules do not speak for themselves, and it will have to nominate a witness who does not have an actual or potential conflict of interest.
7. The parties will by January 30 propose a deadline for supplementation of expert testimony on liability issues.
8. Also by January 30 the parties will complete winnowing and will inform me of what patents they wish to litigate in the liability trial, and by February 7 they will inform of me of what defenses to those patents they wish to litigate.

A handwritten signature in black ink, appearing to read "Richard A. Posner". The signature is fluid and cursive, with the first name "Richard" and last name "Posner" clearly distinguishable.

United States Circuit Judge

January 24, 2012