

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

PARKERVISION, INC.,  
a Florida corporation,

Plaintiff,

v.

Case No.: 3:11-cv-719-J-37TEM

QUALCOMM INCORPORATED,  
a Delaware corporation,

Defendant.

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QUALCOMM INCORPORATED,

Counterclaim Plaintiff,

v.

PARKERVISION, INC. and STERNE  
KESSLER GOLDSTEIN FOX,

Counterclaim Defendants.

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**DEFENDANT COUNTERCLAIM PLAINTIFF QUALCOMM'S  
SUGGESTION OF MOOTNESS AND ALTERNATIVE CONSENT  
MOTION TO EXTEND TIME FOR RESPONSE TO MOTIONS**

Defendant/Counterclaim Plaintiff Qualcomm,  
Incorporated ("Qualcomm") simultaneously herewith filed an  
Amended Answer, Affirmative Defenses and Counterclaim  
pursuant to Rule 15(a)(1)(B), Federal Rules of Civil  
Procedure, and in accordance with the Court's Order  
granting Qualcomm's Motion to Extend Deadline to Respond

(Doc. No. 54). Qualcomm asserts that its Amended Answer, Affirmative Defenses and Counterclaim renders moot Plaintiff ParkerVision Inc.'s Motion and Memorandum to Strike Certain of Qualcomm's Affirmative Defenses (Doc. No. 35) and Motion and Memorandum to Dismiss Qualcomm's Counterclaims (Doc. No. 36) as well as Counterclaim Defendant Sterne Kessler Goldstein Fox's Motion to Dismiss Qualcomm's Counterclaims, Motion for More Definite Statement, or in the Alternative Motion to Abate Qualcomm's Counterclaims and Incorporated Memorandum of Law (Doc. No. 34). See Tri-State Consumer Ins. Co. v. LexisNexis Risk Solutions, Inc., No. 1:11-cv-1313-TCB, 2011 WL 5438959 (N.D. Ga. Nov. 10, 2011) (motion to dismiss filed before filing of amended complaint is moot).

However, should ParkerVision or Sterne Kessler give notice that any of their motions as stated should stand over as to Qualcomm's Amended Answer, Affirmative Defenses and Counterclaim, Qualcomm moves the Court for an order extending the time for Qualcomm to respond to such pending motion, to 14 days from the date of filing of any such notice.

**Local Rule 3.01(g) Certification**

The undersigned attorney for Qualcomm certifies that he has conferred in good faith with ParkerVision and Sterne Kessler's attorneys, who consent to the alternative motion for extension requested in this motion.

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& COXE, P.A.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2<sup>nd</sup> day of December, 2011, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all registered users.

s/John A. DeVault, III  
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