

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

Case No. 1:10cv023580-Civ-UU

MOTOROLA MOBILITY, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

JURY TRIAL DEMANDED

APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

**AMENDED JOINT CHART CONCERNING
THE IMPACT OF CLAIM CONSTRUCTION**

At the Court's request, the parties have created a joint statement concerning the impact of the Court's claim construction ruling. The statement includes the disputed terms, both Motorola's and Apple's proposed constructions, and a statement from each party describing the likely impact of the Court's adoption of its construction.

While preparing this statement, the parties agreed to the definition of "gesture," as it is used within Apple's '849 patent. The parties agreed that "gesture" shall mean "a motion of the object / appendage making contact with the touch screen." This is Apple's alternative definition of the term. Accordingly, because the definition of "gesture" is no longer in dispute, "gesture" is not included in the joint statement charts below. The parties have also agreed to the relevant functions for the means-plus-function claims.

The parties continued to meet and confer following the tutorial and have reached additional agreements. Specifically, the parties have agreed that the corresponding structure for "control means in communication with" is "remote control." As previously indicated, the parties agree that the corresponding function for this term is "sending commands to the transceiver to allow a user to selectively display multiple levels of information on an A/V display" with respect to the '509 patent and "sending commands to the transceiver to allow a user to display A/V programs on an A/V display" with respect to the '456 patent. Because there is no longer a dispute regarding this term, "control means in communication with" has been removed from the charts below.

In addition, the parties agree that "listing interface" no longer requires construction for the '509, '560, and '456 patents. Accordingly, the term "listing interface" is not included in the charts below.

The parties have also narrowed their dispute concerning the corresponding structure for "listing means" and "listing interface means" as used in the '509, '560, and '456 patents. The chart below has been revised to reflect the parties' current proposals.

Finally, with respect to the '987 patent, Motorola's previous construction read "the antenna . . . is arranged between an exposed surface of the housing and the at least a portion on the user interface." In order to narrow the issues, Motorola has agreed to

revise its alternative proposed construction to replace the word “exposed” with “outside,” as is already in the claim language, to read “the antenna ... is arranged between an outside surface of the housing and the at least a portion of the user interface.” This change is noted below.

I. DISPUTED TERMS OF APPLE’S PATENTS

A. Disputed Terms of the ’849 Patent¹

<i>Disputed Claim Term</i>	<i>Motorola’s Proposed Construction</i>	<i>Apple’s Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Moving [an][the] unlock image</i> (’849 Claims 1-10, 12-14, 16-18)</p>	<p>“Translating the unlock image from one portion of the coordinate space of the touch-sensitive display to another”</p> <p>In the alternative: “causing an unlock image to change from one location to another.”*</p>	<p>Ordinary meaning, or in the alternative, “causing an unlock image to change position over time via continuous contact with the touch screen”</p>	<p><u>Motorola’s Position:</u> Under Motorola’s proposed construction, there can be no genuine issue of material fact that the accused Motorola products do not infringe any asserted claim of the ’849 Patent.</p> <p>To unlock the accused Motorola devices, no icon is translated from one portion of the display to another. Rather, an icon is expanded/stretched (<i>i.e.</i>, distorted) in response to a user’s contact with the touch screen, while the position of the icon remains constant.</p> <p><u>Apple’s Position:</u> Under Apple’s proposed construction, the accused Motorola products meet this claim term. Even under Motorola’s proposed construction, Apple believes that the accused Motorola products meet this claim term, if not literally, then under the doctrine of</p>

¹ Alternative constructions indicated with an asterisk (*) are a good-faith attempt to reduce the issues in dispute and/or address Apple’s objections.

<i>Disputed Claim Term</i>		<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
				equivalents, as a substantially similar gesture is used, even if the Court agrees with Motorola that "moving" is limited to translational movement.

1. Products Related to the Asserted Claims

Apple asserts that the Apple iPhone and subsequent iPhone and iPad products relate to the asserted claims.

2. Products Accused of Infringing the Asserted Claims

Apple asserts that several of Motorola's mobile devices infringe the asserted claims of the '849 patent, including the Atrix, Bravo, Charm, Citrus, Cliq, Cliq XT, Cliq 2, Defy, Devour, Droid, Droid 2, Droid 2 Global, Droid X, Droid Pro, BackFlip, Flipout, Flipside, i1, and Xoom.

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Disputed Terms of the '646 & '116 patents (the "Display Space Patents")

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Determi[ning][es] whether [a] device . . . is a video device</i></p> <p>('646 claims 1, 10, 13, 14, 16, and 32)</p> <p><i>Detect[ing][s] . . . a display device</i></p> <p>('116 claims 1, 8-10, 16, 18-20, 27, 33, 36-38, and 42)</p>	<p>"Having the device manager, which is an operating system component and not a device driver, specifically determine that the device is a video display device"</p>	<p><i>Determin[ing][es]...</i> Plain and ordinary meaning applies or, in the alternative: "determine whether a device is or is not capable of displaying video"</p> <p><i>Detect[ing][s]...</i> Plain and ordinary meaning applies or, in the alternative: "detecting a device capable of displaying"</p>	<p><u>Motorola's Position:</u> Under Motorola's proposed construction, there can be no genuine issue of material fact that the accused Motorola products do not infringe any asserted claim of the Display Space Patents.</p> <p>The accused Motorola products do not use a device manager to determine that a video display device is attached. Rather, Motorola's accused devices use the prior-art method of relying on the device drivers for video display devices. Device drivers are substantively and functionally different from the device manager of the Display Space Patents.</p> <p><u>Apple's Position:</u> Under the plain and ordinary meaning and Apple's alternative proposed construction, the accused Motorola products meet this claim term. In addition, even under Motorola's proposed construction, Apple believes that the Motorola products meet this claim term, because the accused Motorola products should be found to literally include a device manager as required under Motorola's construction or to include a structure that infringes that requirement under the doctrine of equivalents. In addition, Motorola's arguments regarding the prior art limitations on the doctrine of equivalents are both legally and factually incorrect.</p>

<i>Disputed Claim Term</i>	<i>Motorola’s Proposed Construction</i>	<i>Apple’s Proposed Construction</i>	<i>Impact of Proposed Construction</i>
<p><i>modifying the allocation of display space</i></p> <p>(’646 claims 1, 10, 13, 14, 16, and 32)</p> <p><i>a portion of the display space to be modified</i></p> <p>(’116 claims 1, 8-10, 16, 18-20, 27, 33, 36-38, and 42)</p>	<p>“Changing the allotment of the global coordinate space available for use by display devices”</p> <p>“An allotment of the global coordinate space, available for use by display devices, to be changed”</p>	<p>Plain and ordinary meaning applies or, in the alternative: “allocating or deallocating display space”</p> <p>Plain and ordinary meaning applies or, in the alternative: “a part of the display space to be allocated or deallocated”</p>	<p><u>Motorola’s Position:</u> Under Motorola’s proposed construction, there can be no genuine issue of material fact that the accused Motorola products do not infringe any asserted claim of the Display Space Patents.</p> <p>The accused Motorola products do not contain or utilize a global coordinate space. Instead, the accused Motorola products use an independent coordinate space for any external video display device. These coordinate spaces are independent from the coordinate space used by the touch screen of the accused Motorola products.</p> <p><u>Apple’s Position:</u> Under the plain and ordinary meaning and Apple’s alternative proposed construction, the accused Motorola products meet this claim term. In addition, Motorola’s characterization of its products as using an independent display spaces appears to be false with respect to at least the Motorola Xoom products, which do not use independent display spaces. Moreover, to the extent that any of Motorola’s products only use independent display spaces, Apple asserts that the Motorola products meet this portion of Motorola’s proposed construction, at least, under the doctrine of equivalents, because the coordinate spaces of the accused Motorola products are insubstantially different from the exemplary global coordinate space disclosed in the specifications.</p>

3. Products Related to the Asserted Claims

Apple asserts that the Apple PowerBook and subsequent computer products allowing connections to external monitors, including the iPad 2 tablet computer, relate to the asserted claims.

4. Products Accused of Infringing the Asserted Claims

Apple asserts that several of Motorola's mobile devices infringe the asserted claims of the Display Space Patents, including the Droid X, Atrix, and Xoom.

Disputed Terms of the '456 / '509/ '560 "Florin" Patents²

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
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² In a good-faith attempt to reduce the issues in dispute, Motorola agrees to the functions proposed by Apple for the mean-plus-function claim elements for the '509, '456 (controlling means only), and '560 Patents.

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>listing means / listing interface means</i></p> <p>('509 Claims 15-20, 22-27, 51-52, 54-58, and 60-63; '456 Claims 1, 2, 4, and 9)³</p>	<p><i>Agreed (as to terms in the 509 patent)</i></p> <p><i>Corresponding Function:</i></p> <p><u>'456</u> Under § 112 ¶ 6, the function is “causing an A/V display to selectively display a program listing.”</p> <p><u>'509</u> Under § 112 ¶ 6, the function is “causing an A/V display to selectively display a program listing that contains listing information related to A/V programs viewable on the A/V display.”</p>		<p><u>Motorola's Position:</u> Under Motorola's proposed structure for the “listing means” / “listing interface means” terms, there can be no genuine issue of material fact that the accused Motorola products do not infringe the asserted claims of the '509 and '560 patents.</p> <p>Motorola's accused devices contain no software that causes a program listing to be displayed. Further, Motorola does not provide a remote control device with most of the accused devices.</p> <p><u>Apple's Position:</u> Under Apple's proposed construction, the accused Motorola products meet this claim term. Even under Motorola's proposed construction, Motorola's accused products have a control panel with buttons for controlling the operation of the accused Motorola products. Further, Apple believes that the accused Motorola products meet this claim term, if not literally, then under the doctrine of equivalents, because the control</p>

³ The dependent claims of the '456 patent refer to a “said A/V listing interface means” that Motorola contends has no apparent antecedent basis in the independent claims, in particular given a construction of listing interface as not a means-plus-function term. Motorola reserves the right to assert that the '456 patent claims are therefore indefinite for lack of antecedent basis. (See, e.g., '456 patent, claim 2). Apple disagrees with Motorola's contention and believes that this is an obvious error, which can be corrected by the Court. Motorola does not believe “means” would be appropriately added to the '456 patents by “correction” or otherwise. The parties agree that, if the Court at some later time order the word “means” to be added to the '456 Patent claims such that the phrase “listing interface” would be “listing interface means,” that the construction of “listing means” in the '509 Patent would apply. Both parties agree that this issue is not properly before the Court at this time.

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
	<p><i>Corresponding Structure:</i> A central processing unit (CPU); system memory; A/V processor; A/V decoder; A/V connect module [including circuitry/software that generates graphic overlay function (for PiP claims only); one or more tuners/demodulators, wherein one tuner/demodulator reads and displays a current program from one of the channels received, and additional tuners/demodulators (or the same tuner/demodulator, used in alternation) read and display data from the side-band channels in picture-in-picture (PiP) windows; switcher]; A/V encoder; buses necessary to transport data; software that generates picture-in-picture windows (for PiP claims only); software that generates program listings; memory and bus controller; a wireless control unit; and a remote control.</p>	<p><i>Corresponding structure:</i> A central processing unit (CPU); system memory; A/V processor; A/V connect module [including circuitry/software that generates graphic overlay function (for PiP claims only); one or more tuners/demodulators, switcher]; A/V encoder; buses necessary to transport data; software that generates picture-in-picture windows (for PiP claims only); software that generates program listings; memory and bus controller.</p>	<p>panels perform the same function as the buttons on the remote control. Motorola additionally causes direct infringement by cable providers who install the Motorola set-top boxes with interactive program guides and remote controls. Motorola causes direct infringement of method claims by end users at least indirectly through the cable providers and by providing instructions directly or through cable providers. The accused Motorola products are intended to execute interactive programming guide software and with a remote control.</p>

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Controller in communication with</i> (’560 Claims 1, 2, 4-6, 8, 9, 11-13, and 15-16)</p>	<p>“A hand-held-remote control containing a transmitter for transmitting signals wirelessly to the transceiver,”</p> <p>In the alternative: “A remote control containing a transmitter for transmitting signals wirelessly to the transceiver.”*</p> <p>In the alternative: “remote control in communication with.”*</p>	<p>Plain and ordinary meaning applies or, in the alternative: “controller that sends commands to”</p>	<p><u>Motorola’s Position:</u> Under Motorola’s proposed construction, there can be no genuine issue of material fact that most, if not all, of the accused Motorola products do not infringe.</p> <p>Motorola does not provide a remote control for most, if not all, of the accused Motorola devices.</p> <p><u>Apple’s Position:</u> Under Apple’s proposed construction, the accused Motorola products meet this claim term. Even under Motorola’s proposed construction, the accused Motorola products have a control panel with buttons for controlling the operation of the accused Motorola products. Apple also believes that the accused Motorola products meet this claim term, if not literally, then under the doctrine of equivalents, because the control panels are intended to perform the same function as the buttons on the remote control. Motorola additionally causes direct infringement by cable providers who install the Motorola set-top boxes with interactive program guides and remote controls. Motorola causes direct infringement of method claims by end users at least indirectly through the cable providers and by providing instructions directly or through cable providers. The accused Motorola products are intended to operate with a remote control.</p>

5. Products Related to the Asserted Claims

Apple's development of the EZTV system, which did not result in a consumer product. Apple contends that its development of the EZTV system is related to the asserted claims. Motorola disagrees and contends that although there are no commercial embodiments related to the asserted claims, a promotional video regarding EZTV was incorporated into the specification.

6. Products Accused of Infringing the Asserted Claims

Apple asserts that several of Motorola's set-top boxes infringe the asserted claims of the Florin patents, including Motorola's DCT700, DCT2500, DCT3400, DCT3412, DCT3080, DCT6200, DCT6208, DCT6400, DCT6412, DCX700, DCX3200, DCX3200, P2, DCX3400, DCH70, DCH100, DCH200, DCH3200, DCH3416, DCH6200, DCH6416, DTA100, QIP2500, QIP2708, QIP6200, QIP6416, QIP7100, and QIP7216.

II. DISPUTED TERMS OF MOTOROLA’S PATENTS

A. Disputed Term of the ’006 Patent

<i>Disputed Claim Term</i>	<i>Motorola’s Proposed Construction</i>	<i>Apple’s Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Data Units Not Being Sent From The Host To The Communications Unit</i></p> <p>(’006 Claim 26)</p>	<p>Ordinary meaning – the phrase requires no construction.</p>	<p>“data units present at the host and not sent to the communication unit”</p>	<p><u>Motorola’s Position:</u> Motorola is unaware of any impact the construction proposed by Apple would have on the issues of infringement and validity. Even under Apple’s construction, Motorola believes that the Apple products meet this claim term, if not literally than under the doctrine of equivalents, as the Apple products utilize a substantially similar process for filtering data units.</p> <p><u>Apple’s Position:</u> Motorola argues that the “data units not sent from the host to the communication unit” are “remote images” that the user can decide whether to receive. However, these remote images are called “remote” precisely because they are never present at the host server; instead, they exist only at some other site on the Internet. Therefore, under Apple’s proposed construction, the accused systems do not infringe.</p>

1. Products Related to the Asserted Claims

Motorola asserts that the Motorola AirMobile phones and Droid X2 relate to the asserted claims.

2. Products Accused of Infringing the Asserted Claims

Motorola asserts that several of Apple’s mobile devices and MobileMe service infringe the asserted claims of the ’006 patent, including Apple’s MobileMe, Apple iPhone 3G, Apple iPhone 3G S, Apple iPhone 4G, Apple iPad, Apple iPad with 3G, Apple iPad 2, Apple iPad 2 with 3G, Apple iPod Touch, Apple MacBook, Apple MacBook Pro, Apple MacBook Air, Apple iMac, Apple Mac Mini, and Apple Mac Pro.

B. Disputed Terms of the ’531 Patent

<i>Disputed Claim Term</i>	<i>Motorola’s Proposed Construction</i>	<i>Apple’s Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Filtered data unit</i> (’531 Claims 1, 2, and 11)</p>	<p>Plain meaning; or “a data unit that has been filtered”</p> <p>In the alternative: “a data unit that has passed a filter.”*</p> <p>In the alternative: “a data unit that has passed a set of user-selected criteria.”*</p>	<p>“one of a subset of data units at the host device that are selected for download to the client communication unit based on having passed a filter”</p> <p>In the alternative: “a data unit that is selected for download to the client communication unit based on having passed a set of user-selected criteria”⁴</p>	<p><u>Motorola’s Position:</u> Motorola is unaware of any impact the construction proposed by Apple would have on the issues of infringement and validity. Even under Apple’s construction, Motorola believes that the Apple products meet this claim term, if not literally than under the doctrine of equivalents, as the Apple products utilize a substantially similar process for reducing data units sent to the mobile device.</p> <p><u>Apple’s Position:</u> Motorola argues that the use of “Rules” within the accused systems to put emails into different folders meets the “filtered data unit” limitation. However, these “Rules” only sort emails at the receiving end and do not prevent any messages from being downloaded to the device. Therefore, under Apple’s proposed construction, the accused systems do</p>

⁴ Apple proposed this alternative construction in its responsive claim construction brief in response to objections by Motorola that are not central to the parties’ claim construction dispute.

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
			not infringe.
<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<i>Wireless network</i> (’531 Claims 1, 2, and 11)	Ordinary meaning – this term requires no additional construction, but in the alternative; “two or more devices whose interconnection(s) is implemented, at least in part, without the use of wires”	“a network in which the communication server is connected to both the host device and the client communication unit through a completely wireless path”	<p><u>Motorola's Position:</u> Motorola is unaware of any impact the construction proposed by Apple would have on the issues of infringement and validity. Even under Apple's construction, Motorola believes that the Apple products meet this claim term, if not literally than under the doctrine of equivalents, as the Apple products utilize a substantially similar process for transmitting data units to a mobile device across a wireless network.</p> <p><u>Apple's Position:</u> None of the accused systems operate by means of a completely wireless path between the host device and communication unit. Therefore, under Apple's proposed construction, the accused systems do not infringe.</p>

1. Products Related to the Asserted Claims

Motorola asserts that Motorola AirMobile phones and Droid X2 relate to the asserted claims.

2. Products Accused of Infringing the Asserted Claims

Motorola asserts that several of Apple's mobile devices and MobileMe service infringe the asserted claims of the '531 patent, including Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4G, Apple iPad, Apple iPad with 3G, Apple iPad 2, Apple iPad

2 with 3G, Apple iPod Touch, Apple MacBook, Apple MacBook Pro, Apple MacBook Air, Apple iMac, Apple Mac Mini, Apple Mac Pro, and MobileMe.

C. Disputed Terms of the '119 Patent

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Responsive to receiving the second message, transmitting a third message</i></p> <p>('119 Claims 1 and 2)</p>	<p>Ordinary meaning – this phrase requires no additional construction.</p>	<p>“upon receiving the second message, automatically transmitting a third message”</p>	<p><u>Motorola's Position:</u> Motorola is unaware of any impact the construction proposed by Apple would have on the issues of infringement and validity. Even under Apple's construction, Motorola believes that the Apple products meet this claim term, if not literally than under the doctrine of equivalents, as the Apple products utilize a substantially similar process for synching multiple devices across a wireless network.</p> <p><u>Apple's Position:</u> The accused systems do not transmit status changes <i>automatically</i> upon receiving them. Instead, status changes are transmitted only when the receiving device first requests them. Therefore, under Apple's proposed construction, the accused systems do not infringe.</p>
<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Indicative of the second status</i></p> <p>('119 Claims 1, 2 and 5)</p>	<p>Ordinary meaning – this phrase requires no additional construction;</p> <p>In the alternative, “providing an indication of the second status”</p>	<p>“descriptive of the changed status”</p>	<p><u>Motorola's Position:</u> Motorola is unaware of any impact the construction proposed by Apple would have on the issues of infringement and validity. Even under Apple's construction, Motorola believes that the Apple products meet this claim term, if not literally than under the doctrine of equivalents, as the Apple products utilize a substantially similar process for</p>

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
			<p>synching multiple devices across a wireless network.</p> <p><u>Apple's Position:</u> The accused functionality does not describe a changed message status (e.g., "read," "delete," "protect," etc.). Instead, it merely provides a generic indication (i.e., in the form of a generic "ping") that something has changed. Therefore, under Apple's proposed construction, the accused systems do not infringe.</p>

1. Products Related to the Asserted Claims

Motorola asserts that all of Motorola's mobile devices using the Android operating system, including the Atrix, Bravo, Charm, Citrus, Cliq, Cliq XT, Cliq 2, Defy, Devour, Droid, Droid 2, Droid 2 Global, Droid X, Droid Pro, BackFlip, Flipout, Flipside, i1, and Xoom relate to the inventions of the asserted claims. Apple asserts that the following product is specifically mentioned in the patent: Motorola Tango pager.

2. Products Accused of Infringing the Asserted Claims

Motorola asserts that several of Apple's mobile devices and MobileMe service infringe the asserted claims of the '119 patent, including MobileMe, Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4G, Apple iPad with 3G, Apple iPad 2 with 3G, and Apple iPod Touch.

D. Disputed Terms of the '987 Patent

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>The antenna . . . is disposed between an outside surface of the housing and the at least a portion of the user interface</i> ('987 Claims 13-14)</p>	<p>Ordinary meaning – this phrase requires no construction</p> <p>In the alternative, “the antenna . . . is arranged between an outside surface of the housing and the at least a portion of the user interface”</p>	<p>“the entire antenna is placed between the outside surface of the receiver’s case and the portion of the user interface surrounded by the antenna”</p>	<p><u>Motorola’s Position:</u> Motorola is unaware of any impact the construction proposed by Apple would have on the issues of infringement and validity. Even under Apple’s construction, Motorola believes that the Apple products meet this claim term, if not literally than under the doctrine of equivalents, as the Apple products utilize a substantially similar antenna orientation.</p> <p><u>Apple’s Position:</u> Neither antenna of the iPhone 4, in its entirety, is placed between the outside surface of the receiver’s case and the portion of the user interface surrounded by the antenna. Therefore, under Apple’s proposed construction, the accused product does not infringe.</p>

1. Products Related to the Asserted Claims

Motorola is undergoing a review to identify Motorola products that relate to the inventions of the asserted claims.

Apple asserts that the following products are specifically mentioned in the patents: Motorola radiotelephone model number 1293A and the Motorola “Bravo” pager.

2. Products Accused of Infringing the Asserted Claims

Motorola contends that Apple’s iPhone 4, and its associated "bumper," infringe the asserted claims of the '987 patent.

E. Disputed Terms of the '737 Patent

<i>Disputed Claim Term</i>	<i>Motorola's Proposed Construction</i>	<i>Apple's Proposed Construction</i>	<i>Impact of Proposed Constructions</i>
<p><i>Address identifying the portable communication device</i></p> <p>('737 Claim 9)</p>	<p>“Ordinary meaning – this term requires no construction.</p> <p>In the alternative, some reference uniquely identifying the portable communication device”</p>	<p>“a number used to direct messages that uniquely identifies a portable communication device”</p>	<p><u>Motorola’s Position:</u> Motorola is unaware of any impact the construction proposed by Apple would have on the issues of infringement and validity. Even under Apple’s construction, Motorola believes that the Apple products meet this claim term, if not literally than under the doctrine of equivalents, as the Apple products utilize a substantially similar process for authenticating a mobile device.</p> <p><u>Apple’s Position:</u> Motorola has not specified what they are accusing as the “address identifying the portable communication device.” The accused systems do not send any information used to direct messages that uniquely identifies to the fixed unit the device seeking authorization. Therefore, under Apple’s proposed construction, the accused systems do not infringe.</p>

1. Products Related to the Asserted Claims

Motorola asserts that all of Motorola's mobile devices using the Android Market client relate to the asserted claims.

Apple asserts that the following products are specifically mentioned in the patents: Motorola pagers utilizing Motorola’s “FLEX” protocol.

2. Products Accused of Infringing the Asserted Claims

Motorola asserts that several of Apple's mobile devices and MobileMe service infringe the asserted claims of the '737 patent, including Apple iPhone 3G, Apple iPhone 3GS, and Apple iPhone 4G, Apple iPad, Apple iPad with 3G, Apple iPad 2, Apple iPad 2 with 3G, Apple iPod Touch, Apple MacBook, Apple MacBook Pro, Apple MacBook Air, Apple iMac, Apple Mac Mini, and Apple Mac Pro.

F. The '161 Patent

There are no disputed terms for the asserted claims of the '161 patent.

1. Products Related to the Asserted Claims

Motorola asserts that all of Motorola's mobile devices that use the Android operating system and have a text messaging client relate to the asserted claims. Apple asserts that the following products are specifically mentioned in the patents: the Wireless Messaging Gateway (WMG™) Administrator! paging terminal, the RF-Conductor!™ message distributor, the RF-Orchestra! transmitter, the RF-Audience!™ receivers, and PageWriter™ 2000 data messaging units.

2. Products Accused of Infringing the Asserted Claims

Motorola asserts that several of Apple's mobile devices and its MobileMe service infringe the asserted claims of the '161 patent, including Apple iPhone 3G, Apple iPhone 3GS, and Apple iPhone 4G, Apple iPad, Apple iPad with 3G, Apple iPad 2, Apple iPad 2 with 3G, Apple iPod Touch, Apple MacBook, Apple MacBook Pro, Apple MacBook Air, Apple iMac, Apple Mac Mini, and Apple Mac Pro, and MobileMe.

Dated: October 16, 2011

Respectfully submitted,

APPLE, INC.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 16, 2011, I served the foregoing document via electronic mail on all counsel of record identified on the attached Service List.

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