Motorola Mobility, Inc. v. Apple, Inc.
Doc. 159 Att. 4

EXHIBIT 3

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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.	

DEFENDANT MOTOROLA MOBILITY, INC.'S PRELIMINARY INFRINGEMENT CONTENTIONS

Defendant Motorola Mobility, Inc. ("Motorola") hereby sets forth the asserted claims from U.S. Patents Nos. 5,710,987, 5,754,119, 5,958,006, 6,008,737, 6,101,531, and 6,377,161, the Apple products that infringe those claims, and Motorola's preliminary infringement contentions. Motorola's investigation is ongoing, and discovery and claim construction are not yet complete. Motorola reserves the right to amend or supplement the asserted claims, accused Apple products, and/or preliminary infringement contentions set forth below as additional information becomes available.

Patent	**Claims**	**Accused Products**	**Exhibit**
5,710,987	13, 14, 17	Apple iPhone 4	Ex. A
5,754,119	1, 2, 5	MobileMe, Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4G, Apple iPad with 3G, Apple iPad 2 with 3G, and Apple iPod Touch.	Ex. B
5,958,006	12, 26	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.	Ex. C
6,008,737	9	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.	Ex. D
6,101,531	1, 2, 11	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.	Ex. E
6,377,161	1-3, 5, 9, 12-14	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.	Ex. F

Dated: May 18, 2011

Respectfully submitted,

MOTOROLA MOBILITY, INC.

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Attorneys for Plaintiff and Counterclaim-Defendant Motorola Mobility, Inc.

Exhibit B

UNITED STATES PATENT NO. 5,754,119

PRELIMINARY INFRINGEMENT CONTENTIONS[1]

Accused Apple Products:[2] MobileMe, Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4G, Apple iPad with 3G, Apple iPad 2 with 3G, and Apple iPod Touch.

'119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone**[3]
1. A method of synchronizing message information among a plurality of transceivers comprising the steps of:	Upon information and belief, the Accused Apple Products perform each and every step of this claim in the course of normal use. Additionally, a user of an Accused Apple Product performs each and every step of this claim in the course of such use. Furthermore, Apple has performed each and every step of this claim, has actively induced users to perform such steps, and has contributed to such use by selling the accused products and providing directions for their use. Apple's MobileMe service with an Apple iPhone practice a method of synchronizing message information among a plurality of transceivers:

[1] Motorola Mobility's investigation is ongoing and discovery and claim construction are not yet complete. Mobility reserves the right to supplement or amend these contentions with contentions arising under the doctrine of equivalents in response to any proposed or ordered claim construction, subsequent discovery response or production, or subsequent disclosure made pursuant to FRCP 26.

[2] This list of Accused Apple Products was created based on publicly available information. Motorola Mobility reserves the right to supplement this list of Accused Apple Products.

[3] This chart provides Motorola's preliminary infringement analysis for the MobileMe service communicating with Apple's accused products. In this claim chart, "Apple iPhone" refers to Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4G, Apple iPad with 3G, Apple iPad 2 with 3G, and Apple iPod Touch. Upon information and belief, the analysis set forth in this chart for "Apple iPhone" applies equally to the Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4G, Apple iPad with 3G, Apple iPad 2 with 3G, and Apple iPod Touch.

‘119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**

MobileMe Features, (http://www.apple.com/mobileme/features/), accessed on May 13, 2011, MOTO-APPLE-0006037953_127187.

See also iPhone User Guide for iPhone 0S 3.1 Software, at MOTO-APPLE-0006037953_126971:

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]

Setting Up Accounts

MobileMe and Microsoft Exchange provide not only email, but contact and calendar information that can be synced to iPhone automatically, over the air. MobileMe can also sync your bookmarks on iPhone with Safari on a Mac, or with Safari or Microsoft Internet Explorer on a PC. You set up MobileMe, Exchange, and other email accounts directly on iPhone.

See also MobileMe Help: How MobileMe synching works, (http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm5b08c671.html), accessed on May 17, 2011, MOTO-APPLE-0006037953_127252-53:

How MobileMe syncing works

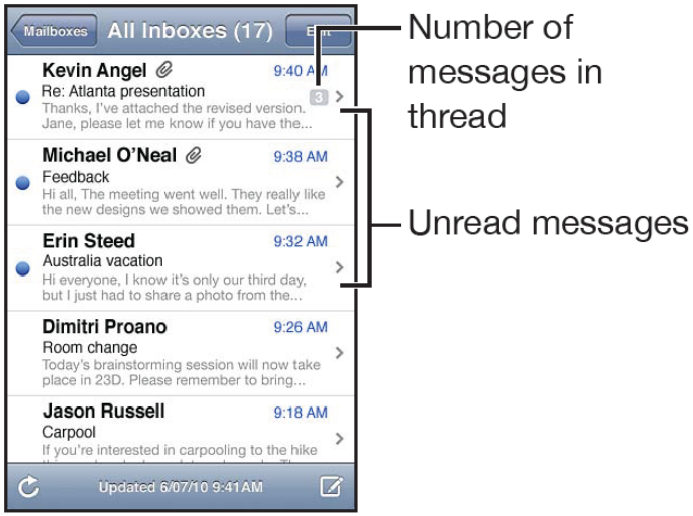
MobileMe stores your synced information in a folder (called SyncServices) on your iDisk. Every time a computer or device is synced with MobileMe, MobileMe compares the information on your computer or device with the information stored on your iDisk and makes sure that both locations have the most accurate and up-to-date information. Sometimes MobileMe asks you to resolve conflicts, such as when you update a contact's phone number on your iPhone, and it differs from the contact's number stored on your iDisk.

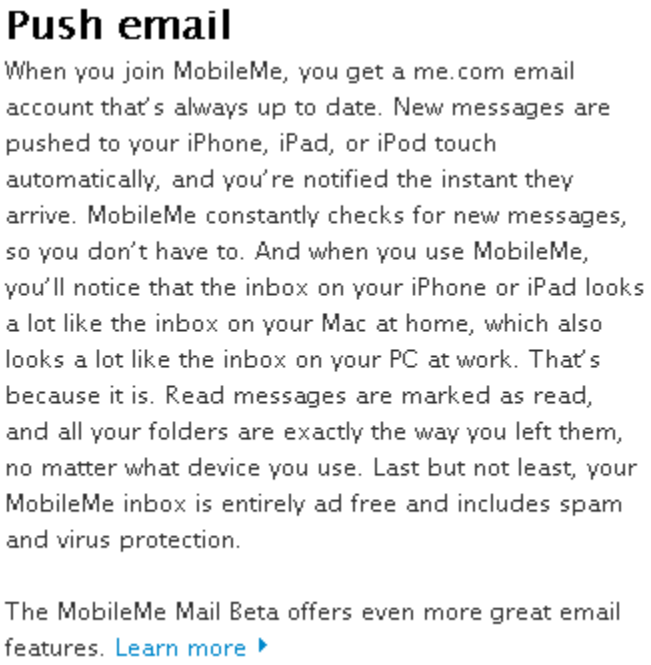
If, for example, you have two computers with Mac OS X v10.6, a Windows computer, and an iPhone, and you sync every type of data you can on all of them, information you change on one Mac is updated on the other Mac. Contacts, calendars, and bookmarks are updated on your Windows computer and your iPhone, and contacts and calendars are updated at me.com. If you add a contact to your iPhone, the contact is added to all your computers and to your Contacts application at me.com. And any change you make at me.com appears on all computers and devices you sync with MobileMe.

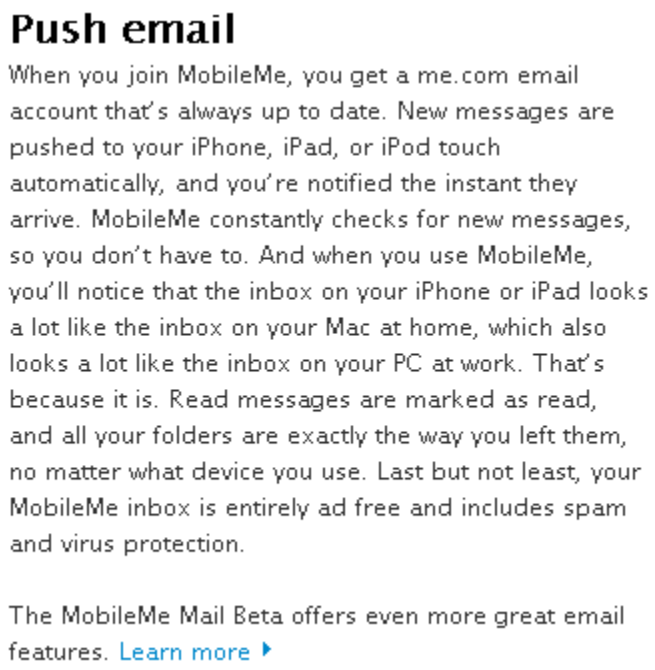
See also MobileMe on you iPhone or iPod touch, (http://www.apple.com/mobileme/features/iphone.html), accessed on May 16, 2011, MOTO-APPLE-0006037953_126654:

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	Always up to date. As soon as your email account receives a new message, MobileMe pushes it over the air to your iPhone or iPod touch. You're notified as soon as it arrives, so you don't have to waste time checking. Because your iPhone and iPod touch send and receive updates over the air, contacts you add and changes you make to your calendar on iPhone or iPod touch are updated on the web at me.com automatically, then synced to your Mac and PC. MobileMe even syncs your Safari and Internet Explorer bookmarks. And it all happens without the need to dock or connect a cable. That means wherever you go, your email, contacts, and calendar are always up to date. *See also* What is IMAP and Why Do We Use It, (http://www.apple.com/mobileme/news/2008/11/what-is-imap-and-why-do-we-use-it.html), accessed on May 5, 2011, MOTO-APPLE-0006037953_126657:

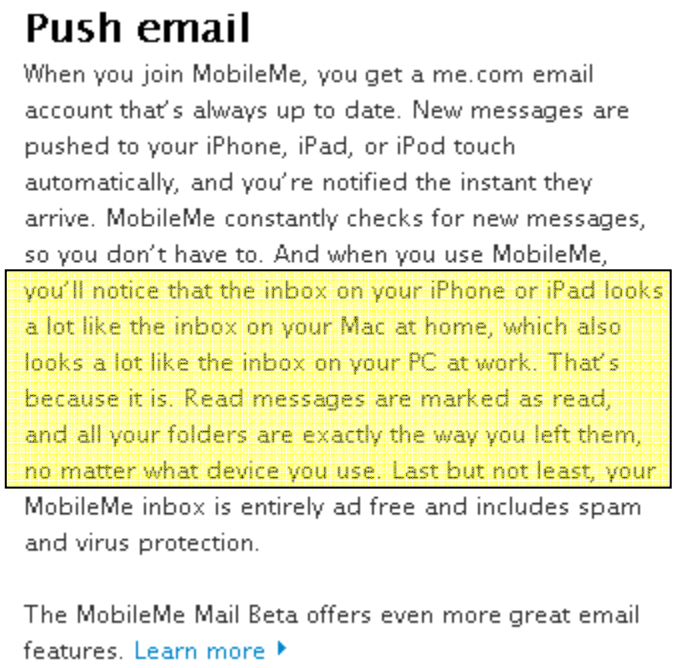
'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	November 5, 2008 **What Is IMAP and Why Do We Use It?** There aren't many industry acronyms it helps to know about, but IMAP is one of them. The words the letters stand for, Internet Message Access Protocol, don't exactly cause the heart to leap, but the protocol itself defines a promise that matters a lot to anyone who handles their mail from more than one location. The promise boils down to this: whenever you go to your inbox and other folders, no matter from where, things will be exactly as you last left them, no matter from where. And that's why we use it for MobileMe email accounts. The protocol puts what's on the cloud (server) in charge. It lets you access your account and work with it locally from a variety of places via different applications. But it insists that the master copy be kept on the server and that all changes be recorded there, so that each new log-in produces the inbox and folder contents you expect to see. In the other standard messaging protocol, POP, the local copy is primary, and when you access your mail it is generally removed from the server after being copied down to your local inbox. If you access your messages from more than one place, life can get confusing--a message you want to read on the road might have already been downloaded to a different computer or a filing change you make at work won't be reflected back at home. With an IMAP account things just work the way you'd expect from the way they look, so you don't have to think about it. It's got the possibility of "mobile" built into its core. If you haven't set up your computer, iPhone, or iPod touch with your MobileMe IMAP account yet, check out these instructions.
transmitting by a wireless messaging infrastructure a first message having a first status;	Upon information and belief, MobileMe transmits by a wireless messaging structure a first message having a first status. For example, this first message could be an email (a first message) that has a status of the email being "Unread" (a first status). This first message could also be a calendar event, or a contact information. iPhone User Guide for iOS 4.2 and 4.3 Software, "Checking and Reading Email," MOTO-APPLE-0006037953_126750: "When you open a mailbox, Mail retrieves and displays the most recent messages, and shows the number of unread messages at the top of the screen. Unread messages have a

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	blue dot next to them . . . . If you organize messages by thread, related messages appear as a single entry in the mailbox. Message threads have a number next to the right arrow, showing the number of messages in the thread. A blue dot indicates that one or more messages in the thread are unread."  *See* MobileMe Features, (http://www.apple.com/mobileme/features/), accessed on May 13, 2011, MOTO-APPLE-0006037953_127188:

‘119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**
	
in one transceiver of the plurality of transceivers, changing the first status of the first message to a second status responsive to an input to the one transceiver, and transmitting a second message indicative of the second status;	Upon information and belief, in an Apple iPhone, (one transceiver of the plurality of transceivers), changing changes the first status of the first message to a second status responsive to an input to the one transceiver, and transmitting a second message indicative of the second status. The first message could be an email, calendar appointment, or a contact. For example, in an Apple iPhone, if the first message was an email, the from "Unread" (the first status) to "Read" in response to the user selecting the email in the Mail.app of iOS.(an input to the one transceiver), and transmits a second message indicative of the email's status of "Unread" (the second status). Additionally, in an Apple iPhone, (one transceiver of the plurality of transceivers), the status of the email changes from "Unread" (the first status) to "Deleted" in response to the user deleting the email in the Mail.app of iOS (an input to the one transceiver), and transmits a second message

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	indicative of the email's status of "Deleted" (the second status):  *See* MobileMe Features, (http://www.apple.com/mobileme/features/), accessed on May 13, 2011, MOTO-APPLE-0006037953_127188. *See also* What is IMAP and Why Do We Use It, (http://www.apple.com/mobileme/news/2008/11/what-is-imap-and-why-do-we-use-it.html), accessed on May 5, 2011, MOTO-APPLE-0006037953_126657:

‘119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**
	November 5, 2008 **What Is IMAP and Why Do We Use It?** There aren't many industry acronyms it helps to know about, but IMAP is one of them. The words the letters stand for, Internet Message Access Protocol, don't exactly cause the heart to leap, but the protocol itself defines a promise that matters a lot to anyone who handles their mail from more than one location. The promise boils down to this: whenever you go to your inbox and other folders, no matter from where, things will be exactly as you last left them, no matter from where. And that's why we use it for MobileMe email accounts. The protocol puts what's on the cloud (server) in charge. It lets you access your account and work with it locally from a variety of places via different applications. But it insists that the master copy be kept on the server and that all changes be recorded there, so that each new log-in produces the inbox and folder contents you expect to see. In the other standard messaging protocol, POP, the local copy is primary, and when you access your mail it is generally removed from the server after being copied down to your local inbox. If you access your messages from more than one place, life can get confusing--a message you want to read on the road might have already been downloaded to a different computer or a filing change you make at work won't be reflected back at home. With an IMAP account things just work the way you'd expect from the way they look, so you don't have to think about it. It's got the possibility of "mobile" built into its core. If you haven't set up your computer, iPhone, or iPod touch with your MobileMe IMAP account yet, check out these instructions.
in the wireless messaging infrastructure, receiving the second message, and responsive to receiving the second message, transmitting a third message indicative of the second status; and	Upon information and belief, MobileMe’s wireless messaging infrastructure) receives the second message, and responsive to the second message, transmits a third message indicative of the the second status. For example, where the first message was an email, MobileMe’s communications server (the wireless messaging infrastructure) receives the second message, and responsive to the second message, transmits a third message indicative of the email's status of "Unread" or "Deleted" (the second status).

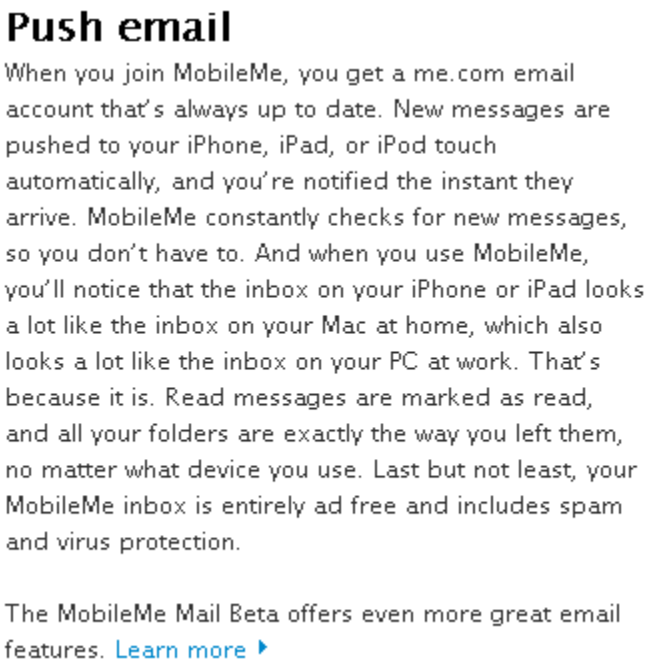
'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	 *See* MobileMe Features, (http://www.apple.com/mobileme/features/), accessed on May 13, 2011, MOTO-APPLE-0006037953_127188. *See also* MobileMe on your iPhone or iPod touch, (http://www.apple.com/mobileme/features/iphone.html), accessed on May 16, 2011, MOTO-APPLE-0006037953_126654:

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	Always up to date. As soon as your email account receives a new message, MobileMe pushes it over the air to your iPhone or iPod touch. You're notified as soon as it arrives, so you don't have to waste time checking. Because your iPhone and iPod touch send and receive updates over the air, contacts you add and changes you make to your calendar on iPhone or iPod touch are updated on the web at me.com automatically, then synced to your Mac and PC. MobileMe even syncs your Safari and Internet Explorer bookmarks. And it all happens without the need to dock or connect a cable. That means wherever you go, your email, contacts, and calendar are always up to date. *See also* iPhone User Guide for iPhone 0S 3.1 Software, at MOTO-APPLE-0006037953_126971: Setting Up Accounts MobileMe and Microsoft Exchange provide not only email, but contact and calendar information that can be synced to iPhone automatically, over the air. MobileMe can also sync your bookmarks on iPhone with Safari on a Mac, or with Safari or Microsoft Internet Explorer on a PC. You set up MobileMe, Exchange, and other email accounts directly on iPhone. *See also* MobileMe Features, (http://www.apple.com/mobileme/features/), accessed on May 13, 2011, MOTO-APPLE-0006037953_127187:

‘119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**

See also What is IMAP and Why Do We Use It, (http://www.apple.com/mobileme/news/2008/11/what-is-imap-and-why-do-we-use-it.html), accessed on May 5, 2011, MOTO-APPLE-0006037953_126657:

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	November 5, 2008 **What Is IMAP and Why Do We Use It?** There aren't many industry acronyms it helps to know about, but IMAP is one of them. The words the letters stand for, Internet Message Access Protocol, don't exactly cause the heart to leap, but the protocol itself defines a promise that matters a lot to anyone who handles their mail from more than one location. The promise boils down to this: whenever you go to your inbox and other folders, no matter from where, things will be exactly as you last left them, no matter from where. And that's why we use it for MobileMe email accounts. The protocol puts what's on the cloud (server) in charge. It lets you access your account and work with it locally from a variety of places via different applications. But it insists that the master copy be kept on the server and that all changes be recorded there, so that each new log-in produces the inbox and folder contents you expect to see. In the other standard messaging protocol, POP, the local copy is primary, and when you access your mail it is generally removed from the server after being copied down to your local inbox. If you access your messages from more than one place, life can get confusing--a message you want to read on the road might have already been downloaded to a different computer or a filing change you make at work won't be reflected back at home. With an IMAP account things just work the way you'd expect from the way they look, so you don't have to think about it. It's got the possibility of "mobile" built into its core. If you haven't set up your computer, iPhone, or iPod touch with your MobileMe IMAP account yet, check out these instructions.
in at least one other transceiver of the plurality of transceivers, receiving the third message, and responsive to receiving the third message, changing the first status of the first message to the second status.	Upon information and belief, at least one other Apple iPhone receives the third message, and responsive to receiving the third message, changes the first status of the first message to the second status. For example, where the first message was an email, the first status of the email changes from "Unread" to "Read" or "Deleted" (the second status):

‘119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**
	 *See* MobileMe Features, (http://www.apple.com/mobileme/features/), accessed on May 13, 2011, MOTO-APPLE-0006037953_127188. *See also* MobileMe on you iPhone or iPod touch, (http://www.apple.com/mobileme/features/iphone.html), accessed on May 16, 2011, MOTO-APPLE-0006037953_126654:

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]

Always up to date.

As soon as your email account receives a new message, MobileMe pushes it over the air to your iPhone or iPod touch. You're notified as soon as it arrives, so you don't have to waste time checking. Because your iPhone and iPod touch send and receive updates over the air, contacts you add and changes you make to your calendar on iPhone or iPod touch are updated on the web at me.com automatically, then synced to your Mac and PC. MobileMe even syncs your Safari and Internet Explorer bookmarks. And it all happens without the need to dock or connect a cable. That means wherever you go, your email, contacts, and calendar are always up to date.

See also MobileMe Help: How MobileMe synching works, (http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm5b08c671.html), accessed on May 17, 2011, MOTO-APPLE-0006037953_127252-53:

How MobileMe syncing works

MobileMe stores your synced information in a folder (called SyncServices) on your iDisk. Every time a computer or device is synced with MobileMe, MobileMe compares the information on your computer or device with the information stored on your iDisk and makes sure that both locations have the most accurate and up-to-date information. Sometimes MobileMe asks you to resolve conflicts, such as when you update a contact's phone number on your iPhone, and it differs from the contact's number stored on your iDisk.

‘119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**

If, for example, you have two computers with Mac OS X v10.6, a Windows computer, and an iPhone, and you sync every type of data you can on all of them, information you change on one Mac is updated on the other Mac. Contacts, calendars, and bookmarks are updated on your Windows computer and your iPhone, and contacts and calendars are updated at me.com. If you add a contact to your iPhone, the contact is added to all your computers and to your Contacts application at me.com. And any change you make at me.com appears on all computers and devices you sync with MobileMe.

See also Exhibit MobileMe Features, (http://www.apple.com/mobileme/features/), accessed on May 13, 2011, MOTO-APPLE-0006037953_127187:

See also What is IMAP and Why Do We Use It, (http://www.apple.com/mobileme/news/2008/11/what-is-imap-and-why-do-we-use-it.html), accessed

'119 Patent Claim	Representative Apple Product: Apple MobileMe communicating with an iPhone[3]
	on May 5, 2011, MOTO-APPLE-0006037953_126657: November 5, 2008 **What Is IMAP and Why Do We Use It?** There aren't many industry acronyms it helps to know about, but IMAP is one of them. The words the letters stand for, Internet Message Access Protocol, don't exactly cause the heart to leap, but the protocol itself defines a promise that matters a lot to anyone who handles their mail from more than one location. The promise boils down to this: whenever you go to your inbox and other folders, no matter from where, things will be exactly as you last left them, no matter from where. And that's why we use it for MobileMe email accounts. The protocol puts what's on the cloud (server) in charge. It lets you access your account and work with it locally from a variety of places via different applications. But it insists that the master copy be kept on the server and that all changes be recorded there, so that each new log-in produces the inbox and folder contents you expect to see. In the other standard messaging protocol, POP, the local copy is primary, and when you access your mail it is generally removed from the server after being copied down to your local inbox. If you access your messages from more than one place, life can get confusing--a message you want to read on the road might have already been downloaded to a different computer or a filing change you make at work won't be reflected back at home. With an IMAP account things just work the way you'd expect from the way they look, so you don't have to think about it. It's got the possibility of "mobile" built into its core. If you haven't set up your computer, iPhone, or iPod touch with your MobileMe IMAP account yet, check out these instructions.
2. The method according to claim 1 wherein the first status is an unread status and the second status is includes read, deleted, or protected status.	Upon information and belief, the Accused Apple Products perform each and every step of this claim in the course of normal use. Additionally, a user of an Accused Apple Product performs each and every step of this claim in the course of such use. Furthermore, Apple has performed each and every step of this claim, has actively induced users to perform such steps, and has contributed to such use by selling the accused products and providing directions for their use. Apple's MobileMe service with an Apple iPhone practice a method according to claim 1 wherein the first status is an unread status and

'119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**
	the second status is includes read, deleted, or protected status. As discussed above in Claim 1, MobileMe will transmit to an Apple iPhone an email that has a first status of "Unread." When a user of an Apple iPhone selects or deletes a message in the Mail.App of iOS, the email's status changes to a second status of "Read" or "Deleted."*See* Claim 1 contentions above.
5. A method of synchronizing a status of a plurality of transceivers comprising the steps of:	Upon information and belief, the Accused Apple Products perform each and every step of this claim in the course of normal use. Additionally, a user of an Accused Apple Product performs each and every step of this claim in the course of such use. Furthermore, Apple has performed each and every step of this claim, has actively induced users to perform such steps, and has contributed to such use by selling the accused products and providing directions for their use. Apple's MobileMe service with an Apple iPhone practice a method of synchronizing message information among a plurality of transceivers. *See* Claim 1 contentions above.
in a first transceiver, changing the status of the first transceiver from a first status to a second status as a result of an input from a user, and transmitting a first message indicative of the second status;	Upon information and belief, in a first transceiver connected to the MobileMe network the status of the first transceiver changes from a first status to a second status as a result of an input from a user, and transmits a first message indicative of the second status. For example, an Apple iPhone, (first transceiver) can, as a result of input from a user, can change the status of email, calendar, or contact information (first status) to reflect, *e.g.*, email deletions, new calendar appointments, and/or new contacts (second status) and transmit a first message indicative of the second status to the MobileMe communication server. *See* Claim 1 contentions above.
in a wireless messaging infrastructure, receiving the first message, and transmitting a second message indicative of the second status; and	Upon information and belief, MobileMe's wireless messaging infrastructure, receives the first message, and transmits a second message indicative of the second status. To continue the above example, the MobileMe communication server (the wireless messaging infrastructure) receives the first message transmitted by an Apple iPhone and transmits a second message to a second Apple iPhone that is , indicative of the second status, *e.g.*, any email deletions, new calendar appointments, and/or new contacts (second status). *See* Claim 1 contentions above.

‘119 Patent Claim	**Representative Apple Product: Apple MobileMe communicating with an iPhone[3]**
in a second transceiver, receiving the second message, and changing a status of the second transceiver to the second status in response thereto.	Upon information and belief, a second transceiver connected to the MobileMe network receives the second message, and changes a status of the second transceiver to the second status in response thereto. To continue the above example, a second Apple iPhone receives the second message transmitted by the MobileMe communication server, and in response thereto, changes the status of, *e.g.*, any email, calendar, or contact information to reflect any email deletions, new calendar appointments, and/or new contacts (second status). *See* Claim 1 contentions above.