

CONTAINS CONFIDENTIAL BUSINESS INFORMATION SUBJECT TO PROTECTIVE ORDER

**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**

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APPLE INC.,

Counterclaim Plaintiff,

v.

MOTOROLA, INC. and  
MOTOROLA MOBILITY, INC.,

Counterclaim Defendants.

**APPLE'S SUPPLEMENTAL OBJECTIONS AND RESPONSES TO MOTOROLA  
MOBILITY AND MOTOROLA'S FIRST SET OF INTERROGATORIES (NO. 6)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant and Counterclaim-Plaintiff Apple, Inc. ("Apple") objects and responds to the interrogatories served by Plaintiff and Counterclaim-Defendant Motorola Mobility, Inc. ("Motorola Mobility") and Counterclaim-Defendant Motorola, Inc. ("Motorola") (collectively, the "Counterclaim-Defendants") as follows.

**GENERAL OBJECTIONS**

Plaintiffs reiterate and incorporate by reference their objections to Counterclaim-Defendants' First Set of Interrogatories, as if specifically stated herein.

**FURTHER OBJECTIONS AND RESPONSES**

**INTERROGATORY NO. 6**

For each claim of the Apple Asserted Patents that you allege Counterclaim-Defendants have infringed or are infringing, describe the complete basis for your contention that Counterclaim-Defendants are infringing or have infringed that claim by describing in a claim chart on an element-by-element basis where each element of each Asserted Claim can be found in each Accused Instrumentality of Counterclaim-Defendants that you contend infringes that claim, whether such alleged infringement is literal or by equivalents, how 35 U.S.C. § 112(6) is satisfied, if applicable, and whether such alleged infringement is direct (*i.e.*, under 35 U.S.C. § 271(a)) or indirect (*i.e.*, under 35 U.S.C. §§ 271(b) or (c)).

**RESPONSE TO INTERROGATORY NO. 6**

In addition to its General Objections, Apple objects to this interrogatory as vague and ambiguous, overly broad, and unduly burdensome. Apple further objects to this interrogatory to the extent that it seeks information that is (a) protected by the attorney-client privilege or work product doctrine; (b) confidential, proprietary, or trade secret; (c) subject to Apple's legal or contractual obligation of nondisclosure or confidentiality to a third party; and/or (d) public or readily available to Counterclaim-Defendants. Apple further objects to the extent this interrogatory calls for a legal conclusion. Apple also

objects to this contention interrogatory as premature because, among other things, Counterclaim-Defendants have not yet produced documents or information about its products used to infringe the Apple Asserted Patents. Apple expressly reserves the right to amend, supplement, and/or correct its response to this interrogatory as additional information becomes available to Apple during the course of its discovery and investigation, in response to any claim construction by the Court, or in response to Counterclaim-Defendants' responses to Apple's interrogatories (or any supplement thereto).

Subject to its General and Specific Objections, Apple responds as follows: Apple will provide its infringement contentions pursuant to any deadlines the Court may set for the exchange of infringement contentions and will supplement those contentions as appropriate. Apple will provide its expert reports regarding infringement of the Apple Asserted Patents pursuant to any deadlines the Court may set for the exchange of such reports and will supplement those reports as appropriate and necessary and as permitted by the Court.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6**

Subject to their General and Specific Objections above, Apple hereby provides its preliminary infringement contentions regarding U.S. Patent Nos. 5,583,560 ("the '560 patent"), 5,594,509 ("the '509 patent"), 5,621,456 ("the '456 patent"), 6,282,646 ("the '646 patent"), 7,380,116 ("the '116 patent"), and 7,657,849 ("the '849 patent"). Based upon presently known information, Apple appends claim charts for each of the aforementioned Patents-in-Suit as follows:

- Ex. A: '560 Patent, claims 1, 2, 4-6, 8, 9, 11-13, 15-16.

- Ex. B: '509 Patent, claims 7-8, 10-11, 14-20, 22-27, 43-52, 54-58, 60-63.
- Ex. C: '456 Patent, claims 1-2, 4-10.
- Ex. D: '646 Patent, claims 1, 10, 13, 14, 16, and 32.
- Ex. E: '116 Patent, claims 1, 8-10, 16, 18-20, 27, 33, 36-38, and 42.
- Ex. F: '849 Patent, claims 1-10, 12-14, and 16-18.

Counterclaim-Defendants infringe or have infringed these claims (collectively, “the Asserted Claims”) by making, using, selling, offering for sale or importing at least the following Accused Products: 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 (collectively “the Accused Set-Top Boxes”) as well as Bravo, Charm, Citrus, Cliq, Cliq XT, Cliq 2, Defy, Devour, Droid, Droid 2, Droid 2 Global, Droid X, Droid Pro, BackFlip, Flipout, Flipside, i1, Atrix 4G, and Xoom (collectively “the Accused Mobile Devices”). As described in further detail in the appended claim charts, *see* Exs. A-F, each element of each of the Asserted Claims is met by one or more of the Accused Products. Where the basis for infringement is not significantly distinct, Apple has selected a representative Accused Set-Top Box or Accused Mobile Device, as appropriate.

Counterclaim-Defendants directly and indirectly infringe all of the Asserted Claims. Counterclaim-Defendants directly infringe these claims by making, using, offering for sale, or selling the Accused Products within the United States, or by importing the Accused Products into the United States. In addition, Counterclaim-Defendants’ customers directly infringe the Asserted Claims by using the Accused Products, and Counterclaim-Defendants induce this direct infringement of the Asserted

Claims by selling the Accused Products and by providing manuals and other user guides encouraging their customers to use the Accused Products in an infringing manner.

Counterclaim-Defendants further contribute to this direct infringement of the Asserted Claims by selling the Accused Products, which are specifically designed to practice the inventions of the Asserted Claims and have no substantial non-infringing uses. Based on presently known information, Apple contends that the Accused Products made, used, sold, offered for sale or imported by Counterclaim-Defendants infringe one or more of the Asserted Claims literally or, in the alternative, under the doctrine of equivalents.

These contentions are preliminary and based at least in part on publicly available information. Counterclaim-Defendants have not yet provided any discovery in this case and Apple's investigation of Defendants' infringement is ongoing. Accordingly, Apple may identify additional claims that are infringed and additional accused products, including products that Defendants may introduce in the future. Apple expressly reserves the right to amend its response to this Interrogatory to include such products. Also, these contentions are made based on information ascertained to date, and Apple expressly reserves the right to modify or amend the contentions contained herein based on the Court's claim constructions or to reflect additional information that becomes available to Apple as discovery proceeds.

Dated: May 18, 2011

WEIL, GOTSHAL & MANGES LLP

By:     /s/ Jill J. Ho      
Jill J. Ho  
*Attorneys for Apple Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 18, 2011, I served the foregoing document via electronic mail on all counsel of record identified on the attached Service List.

*/s/ Joanna Lahtinen*

Joanna Lahtinen

**SERVICE LIST**  
**Motorola Mobility, Inc. versus Apple Inc.**  
**Case No. 1:10cv023580-Civ-UU**  
**United States District Court, Southern District of Florida**

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