

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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APPLE INC. and NEXT SOFTWARE,	)	
INC. (f/k/a NeXT COMPUTER, INC.),	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 10-CV-662 (BBC)
	)	
MOTOROLA, INC. and MOTOROLA	)	
MOBILITY, INC.,	)	
	)	
Defendants.	)	
	)	

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**PLAINTIFFS' IDENTIFICATION OF ASSERTED CLAIMS AND  
ACCUSED PRODUCTS**

Plaintiffs Apple Inc. (“Apple”) and NeXT Software, Inc. (“NeXT”) hereby make the following identification of asserted claims and accused products for U.S. Patent Nos. 7,479,949 (“the ’949 patent”), 6,493,002 (“the ’002 patent”), 5,838,315 (“the ’315 patent”), RE 39,486 (the “RE ’486 patent”), 6,424,354 (“the ’354 patent”), 6,343,263 (“the ’263 patent”), 6,275,983 (“the ’983 patent”), 5,969,705 (“the ’705 patent”), 5,946,647 (“the ’647 patent”), 5,929,852 (“the ’852 patent”), 5,915,131 (“the ’131 patent”), 5,566,337 (“the ’337 patent”), 5,519,867 (“the ’867 patent”), 5,481,721 (“the ’721 patent”) and 5,455,599 (“the ’599 patent”).

These disclosures are preliminary and based only on publicly available information. Defendants Motorola, Inc. and Motorola Mobility, Inc. (collectively “Motorola”) have not yet provided discovery as to its accused products and Plaintiffs’ investigation of Motorola’s infringement is ongoing. Based on discovery and Plaintiffs’ continued investigations, Plaintiffs may identify additional claims that are infringed by Motorola and additional accused products, including products that Motorola may introduce in the future. Accordingly, Plaintiffs reserve their rights to amend these disclosures through interrogatory responses and expert reports as discovery and their investigation proceeds. Also, these disclosures are made based on information ascertained to date, and Plaintiffs expressly reserve the right to modify or amend the disclosures contained herein based on the Court’s claim constructions or to reflect additional information that becomes available to Plaintiffs.

Based upon presently known information, Plaintiffs contend that at least the following claims (collectively, “the Asserted Claims”) have been infringed by Motorola:

- '949 Patent, claims 1, 4-6, and 9-20.
- '002 Patent, claims 1, 3-7, 11, 21, 22, 26, 28-32, 36, 37, 46, and 47.
- '315 Patent, claims 1, 7, 8, and 12-14.
- RE '486 Patent, claims 1-3, 6-12, 14-17, and 20.
- '354 Patent, claims 1-3, 5-8, 41, and 42.
- '263 Patent, claims 1-6, 24, 25, 29, and 30.
- '983 Patent, claims 1-11, 16, 17, and 22.
- '705 Patent, claim 1.
- '647 Patent, claims 1, 3, 8, 9, 13-15, 19, 20, and 22.
- '852 Patent, claims 1-3 and 7-13.
- '131 Patent, claims 1, 3, 4, 7-12, and 15-17.
- '337 Patent, claims 1, 3, 6-10, 12, 14, 16-19, 21, 23, and 24.
- '867 Patent, claims 1-3, 7-10, 12, 18, and 32.
- '721 Patent, claims 1, 11, and 19.
- '599 Patent, claims 1-3, 15, 16, 18, 19, 22, and 24-26.

At least the following Android mobile phone handsets made, used, sold, offered for sale or imported by Motorola infringe the Asserted Claims: Droid, Droid 2, Droid 2 Global, Droid X, Droid Pro, Cliq, Cliq XT, Cliq 2, Charm, BackFlip, Devour, i1, Citrus, Defy, Bravo, Flipout, Flipside, Atrix 4G, and Xoom (collectively “the Accused Products”).<sup>1</sup>

All of the Asserted Claims are directly and indirectly infringed by Motorola. Motorola directly infringes 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, Motorola’s customers directly infringe the Asserted Claims by using the Accused Products and Motorola induces this direct infringement of the Asserted Claims by selling the Accused Products, by providing manuals and other user guides encouraging its customers to use the Accused Products in an infringing manner. Motorola further contributes to this direct infringement of the

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<sup>1</sup> Plaintiffs expect that Motorola will introduce additional products in the future that will also infringe the Asserted Patents. Plaintiffs expressly reserve the right to amend their disclosures to include such products.

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, Plaintiffs contend that the Accused Products made, used, sold, offered for sale or imported by Motorola infringe each of the Asserted Claims literally or, in the alternative, under the doctrine of equivalents.

Dated: March 4, 2011

Respectfully submitted,

/s/ Jill J. Ho

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*Attorneys for Apple Inc. and  
NeXT Software, Inc.*

**CERTIFICATE OF SERVICE**

I declare that I am employed with the law firm of Weil, Gotshal & Manges LLP, whose address is 201 Redwood Shores Parkway, Redwood Shores, California 94065-1175. I am not a party to the within cause, and I am over the age of eighteen years. I further declare that on March 4, 2011, I served a copy of:

**PLAINTIFFS’ IDENTIFICATION OF ASSERTED CLAIMS AND ACCUSED PRODUCTS**

**BY U.S. MAIL** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing in accordance with the firm’s ordinary business practices. I am readily familiar with the practice for collection and processing of mail, and know that in the ordinary course of business practice that the document(s) described above will be deposited with the U.S. Postal Service on the same date as sworn to below.

**BY ELECTRONIC SERVICE** by electronically mailing a true and correct copy through the electronic mail system to the email address(es) set forth in the service list below.

**BY OVERNIGHT DELIVERY** by placing a true copy thereof enclosed in a sealed envelope with overnight delivery fees provided for, addressed as follows, for collection by Federal Express in accordance with ordinary business practices. I am readily familiar with the practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of business practice the document(s) described above will be deposited by an employee or agent in a box or other facility regularly maintained by Federal Express for collection on the same day that the document(s) are deposited.

**BY PERSONAL SERVICE** by placing a true copy thereof enclosed in a sealed envelope to be delivered by messenger to the offices of the addressee(s) (and left with an employee or person in charge of addressee’s office), as stated below, during ordinary business hours.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 4, 2011, at Redwood Shores, California.

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*/s/ Jill J. Ho*  
Jill J. Ho