Motorola Mobility, Inc. v. Apple, Inc.

## **EXHIBIT 5**

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## Exhibit B - U.S. Patent No. 6,493,002

Motorola directly and/or indirectly infringes at least claims 1, 21, and 46 of the '002 patent, either literally or through the doctrine of equivalents. Motorola's infringing products include mobile devices such as smartphones and tablet computers, including but not limited to the: Atrix, Bravo, Cliq, Cliq XT, Cliq 2, Charm, Defy, Devour, BackFlip, Droid, Droid 2, Droid 2 Global, Droid X, Droid Pro, Flipout, Flipside, i1, and Xoom (collectively, "the '002 Accused Products").<sup>1</sup>

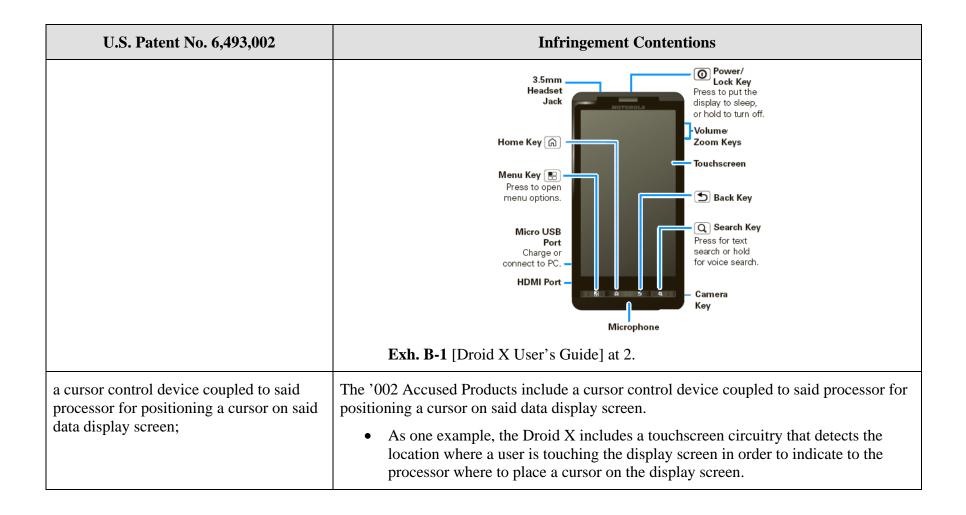
For the purposes of this analysis, Apple will examine a representative mobile device, Motorola's Droid X, which operates with the Android 2.1 Platform. All other Accused Products meet the limitations of the asserted claims on the same bases as indicated for the Droid X unless otherwise stated.

In addition to Motorola's direct infringement of the claims of the '002 patent through its development, testing, manufacture and use of its devices, Motorola also indirectly infringes claim 21 of the '002 patent. Manufacturers, retailers, distributors, end-users and others in the distribution channel of the '002 Accused Products directly infringe these claims by using, selling, offering for sale, and/or importing these devices into the United States. Motorola contributes to and induces the infringement of asserted claim 21 through its promotion and provision of intentional marketing, sale and/or technical support of the '002 Accused Products and associated specialized components in the United States, and through the intentional design, marketing, manufacture, sale, and/or technical support of the '002 Accused Products abroad to induce direct infringement in the United States. Motorola supplies '002 Accused Products and actively encourages the use, sale, offer for sale, and importation of the same in the United States through the promotion and provision of marketing literature and user guides, which induces and results in direct infringement. See, e.g., Motorola Droid X User Guide (WI-Apple0034078-34145). Upon information and belief, Motorola has known or should have known that these actions would cause direct infringement of the '002 patent and did so with specific intent to encourage direct infringement. Additionally, the '002 Accused Products have no substantial non-infringing uses.

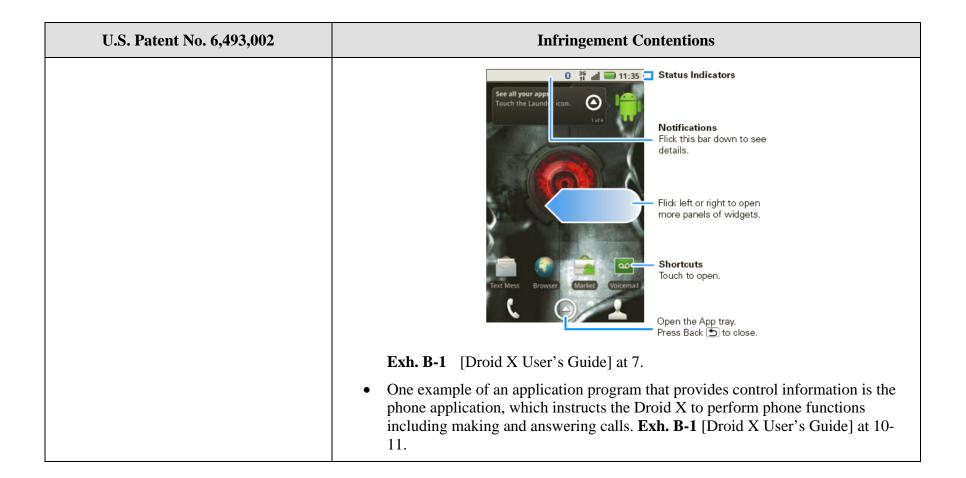
These infringement contentions are preliminary and based only on publicly available information as to the '002 Accused Products. Motorola has not yet provided discovery as to its Accused Products and in addition Apple's investigation of Motorola's infringement is ongoing. Based on discovery and Apples continued investigations Apple reserves the right to amend these contentions to identify additional bases for infringement and additional '002 Accused Products., including products that Motorola may introduce in the future. Accordingly, Apple reserves its right to amend these contentions as discovery and its investigation proceeds.

<sup>&</sup>lt;sup>1</sup> Motorola has announced additional smartphones including XRT and Titanium which may also infringe the '002 Patent. Apple reserves the right to supplement this analysis and this list of accused products as discovery into these newly announced products progresses.

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1. An interactive computer-controlled display system comprising: a processor;	The '002 Accused Products comprise interactive computer-controlled display systems, each of which include a processor.
	• As one example, the Droid X includes an interactive computer-controlled display system including a processor.
	3.5mm Headset Jack Morosola Users for the Volume Volume
	Home Key Menu Key Press to open menu options. Micro USB Port Charge or connect to PC. HDMI Port Camera Key
	Microphone Exh. B-1 [Droid X User's Guide] at 2.
a data display screen coupled to the processor;	<ul> <li>The '002 Accused Products include a data display screen coupled to the processor.</li> <li>As one example, the Droid X includes a touchscreen display coupled to the processor for displaying data.</li> </ul>



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	3.5mm       Image: Signary of Section Connect to PC.         Home Key       Image: Section Connect to PC.         Home I to PC.       Image: Section Connect to PC.
a window generation and control logic coupled to the processor and data display screen to create an operating environment for a plurality of individual programming modules associated with different application programs that provide status and/or control functions,	<ul> <li>The '002 Accused Products include window generation and control logic coupled to the processor and data display screen to create an operating environment for a plurality of individual programming modules associated with different application programs that provide status and/or control functions.</li> <li>As one example, the Android operating system software as implemented on the Droid X allows for the operation of a plurality of individual programming modules associated with different application programs that provide status and/or control functions. These different application programs can include a phone application, a map application, and a messaging application. Exh. B-1 [Droid X User's Guide] at 10; 31; 39.</li> </ul>



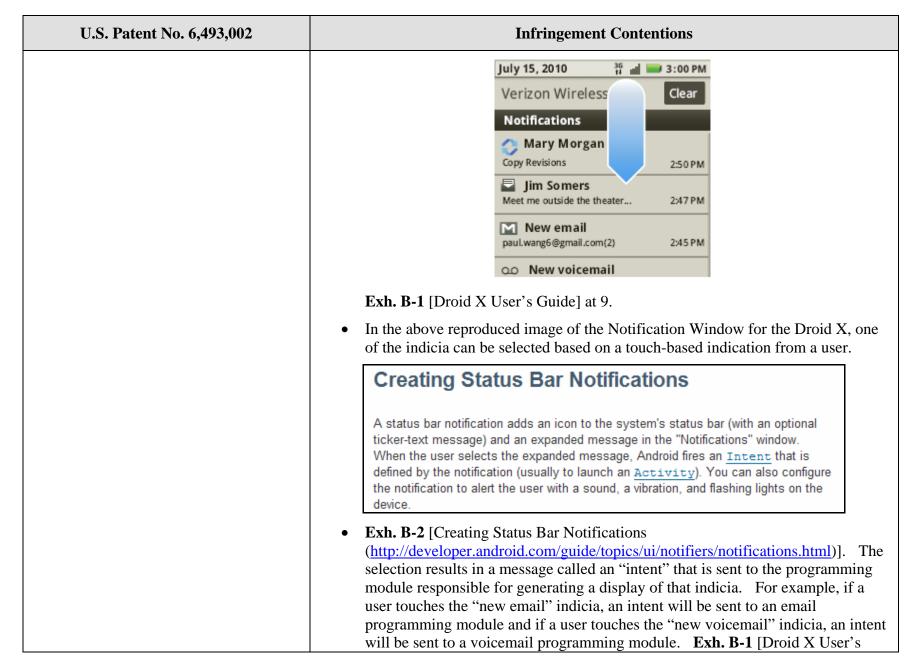
U.S. Patent No. 6,493,002	Infringement Contentions
	Recent Calls List Touch to open, then touch an entry to call.         Backspace Touch to delete digits you entered.         Call Voicemail Touch here to call touch here to call it.         Exh. B-1 [Droid X User's Guide] at 10.         One example of an application that provides status functions is the voicemail application, which indicates, for example, that a new voicemail has been received.
wherein the window generation and control logic generates and displays a first window region having a plurality of display areas on said data display screen,	<ul> <li>For the '002 Accused Products, the window generation and control logic generates and displays a first window region having a plurality of display areas on said data display screen.</li> <li>As one example, the Android operating system software as implemented on the Droid X generates a phone status and notifications window ("Notification Window") having a plurality of display areas.</li> </ul>

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wherein the first window region is independently displayed and independently active of any application program, and	July 15, 2010       Image: Contentions         Verizon Wireless       Image: Copy Revisions         Copy Revisions       250 PM         Image: Copy Revisions       245 PM         Image: Copy Revisions       245 PM         Image: Copy Revisions       3:00 PM         Verizon Wireless       Image: Copy Revisions         Image: Copy Revisions       250 PM         Image: Copy Revisions       250 PM

U.S. Patent No. 6,493,002	Infringement Contentions
	Exh. B-1 [Droid X User's Guide] at 9.
	• In the above reproduced image of the Notification Window for the Droid X, the Notification Window is displayed and active independent of whatever application program was displayed when the Notification Window was dragged open by the user. <i>Id.</i>
	• The Notification Window is independent of the application programs. It receives messages passed from applications requesting the display of a notification in the form of "Intent" messages. <b>Exh. B-2</b> [Creating Status Bar Notifications ( <u>http://developer.android.com/guide/topics/ui/notifiers/notifications.html</u> )].
wherein each of the plurality of display areas is associated with one of the	For the '002 Accused Products, each of the plurality of display areas is associated with one of the plurality of individual programming modules.
plurality of individual programming modules,	• As one example, the display areas within the Notification Window generated by the Android operating system software as implemented on the Droid X are each associated with an individual programming module.
	July 15, 2010 To an arrow and a second secon
	Exh. B-1 [Droid X User's Guide] at 9.
	• In the above reproduced image of the Notification Window for the Droid X, the display areas are each associated with one of the programming module. <i>Id.</i> For

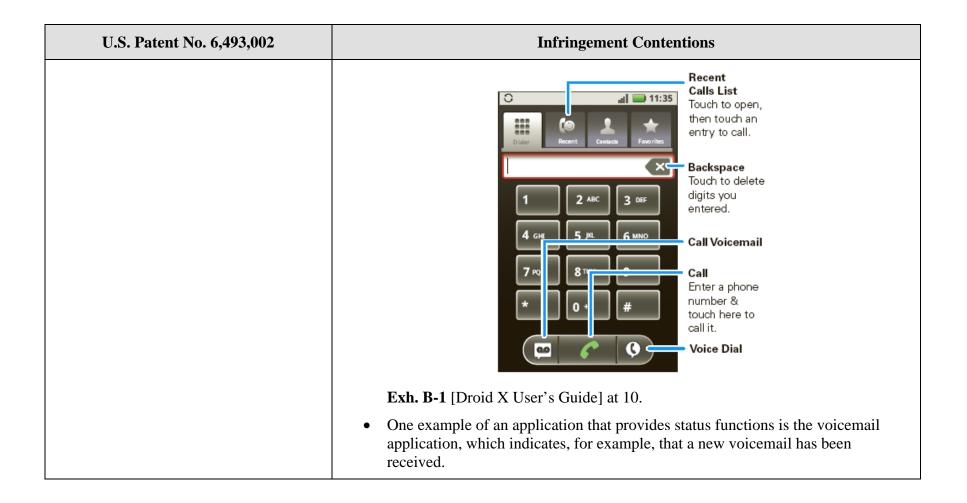
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	example, the display area for the "new email" notification is associated with an email programming module and the "new voicemail" notification is associated with a voicemail module. <i>Id</i> .
the first window region and the plurality of independent display areas implemented in a window layer that appears on top of application programming windows that may be generated; and	<ul> <li>For the '002 Accused Products, the first window region and the plurality of independent display areas implemented in a window layer that appears on top of application programming windows that may be generated.</li> <li>July 15, 2010 Total accurate to a structure of the product of t</li></ul>
an indicia generation logic coupled to the data display screen to execute at least one of the plurality of individual programming modules to generate information for display in one of the plurality of display	The '002 Accused Products include indicia generation logic coupled to the data display screen to execute at least one of the plurality of individual programming modules to generate information for display in one of the plurality of display areas in the first window region.

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areas in the first window region,	<ul> <li>July 15, 2010 To a 3:00 PM</li> <li>Verizon Wireless Clear</li> <li>Notifications</li> <li>Mary Morgan</li> <li>Copy Revisions</li> <li>Jim Somers</li> <li>Met me outside the theater 247 PM</li> <li>Mew email</li> <li>paul.wang6@gmail.com(2)</li> <li>245 PM</li> <li>New voicemail</li> </ul> Exh. B-1 [Droid X User's Guide] at 9. In the above reproduced image of the Notification Window for the Droid X, the Android operating system software generates indicia, which are displayed in each of the display areas by executing a programming module corresponding to the indicia. For example, the "new email" display area includes indicia resulting from executing an email module. The indicia for the "new email" display area include a textual indication of the new email as well as an icon. A second example is shown in the "new voicemail" display area, which includes indicia resulting from executing a voicemail module. <i>Id</i> . The indicia for the "new voicemail" display area include a textual indication of the new voicemail as well as an icon.
wherein at least one of the plurality of display areas and its associated programming module is sensitive to user input, and	For the '002 Accused Products at least one of the plurality of display areas and its associated programming module is sensitive to user input.



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	Guide] at 9; <b>Exh. B-2</b> [Creating Status Bar Notifications ( <u>http://developer.android.com/guide/topics/ui/notifiers/notifications.html</u> )].
further wherein the window generation and control logic and the indicia generation logic use message-based communication to exchange information to coordinate activities of the indicia generation logic to enable interactive display activity.	For the '002 Accused Products the window generation and control logic and the indicia generation logic use message-based communication to exchange information to coordinate activities of the indicia generation logic to enable interactive display activity.
	Creating Status Bar Notifications A status bar notification adds an icon to the system's status bar (with an optional ticker-text message) and an expanded message in the "Notifications" window. When the user selects the expanded message, Android fires an <u>Intent</u> that is defined by the notification (usually to launch an <u>Activity</u> ). You can also configure the notification to alert the user with a sound, a vibration, and flashing lights on the device.
	• Exh. B-2 [Creating Status Bar Notifications (http://developer.android.com/guide/topics/ui/notifiers/notifications.html)]. The window generation and control logic and indicia generation logic of the Android operating system software use messages called "intents" to exchange information to provide interactive display activity. For example, if a user touches the "new email" indicia, an intent will be sent to an email programming module and if a user touches the "new voicemail" indicia, an intent will be sent to a voicemail programming module. Exh. B-1 [Droid X User's Guide] at 9; Exh. B-2 [Creating Status Bar Notifications (http://developer.android.com/guide/topics/ui/notifiers/notifications.html)].
21. A method for generating control information comprising:	<ul> <li>The '002 Accused Products perform methods for generating control information.</li> <li>As one example, the Droid X includes the Android 2.1 operating system software. The Android operating system software included on the Droid X generates control information for controlling the operation of the Droid X.</li> </ul>
creating an operating environment for a plurality of individual programming	The '002 Accused Products create an operating environment for a plurality of individual programming modules associated with different application programs that provide status

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modules associated with different application programs that provide status and/or control functions;	<ul> <li>and/or control functions.</li> <li>As one example, the Android operating system software as implemented on the Droid X allows for the operation of a plurality of individual programming modules associated with different application programs that provide status and/or control functions. These different application programs can include a phone application, a map application, and a messaging application. Exh. B-1 [Droid X User's Guide] at 10; 31; 39.</li> </ul>
	Set all your app       Image: Set all your app         Fourth the Laude       Image: Set all your app         Fourth the Laude       Notifications         Flick this bar down to see       Status Indicators         Flick this bar down to see       details.         Flick left or right to open       more panels of widgets.         Shortcuts       Touch to open.         Open the App tray.       Open the App tray.         Press Back D to close.       To close.
	Exh. B-1 [Droid X User's Guide] at 7.
	• One example of an application program that provides control information is the phone application, which instructs the Droid X to perform phone functions including making and answering calls. <b>Exh. B-1</b> [Droid X User's Guide] at 10-11.



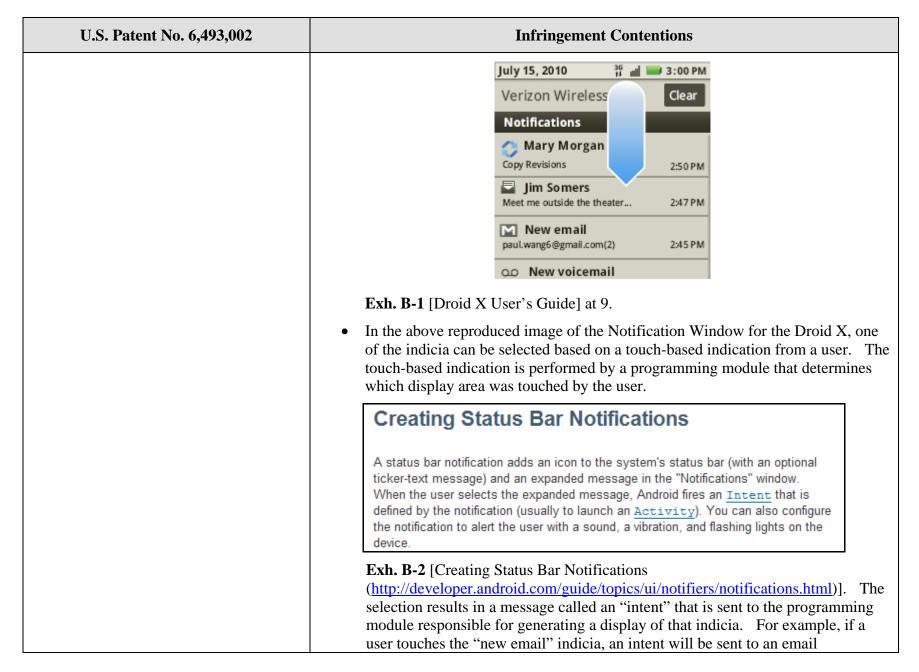
U.S. Patent No. 6,493,002	Infringement Contentions
	July 15, 2010       # a a 3:00 PM         Verizon Wireless       Clear         Notifications       0         Mary Morgan       2:50 PM         Copy Revisions       2:50 PM         Jim Somers       2:47 PM         Meet me outside the theater       2:47 PM         Paul.wang6@gmail.com(2)       2:45 PM         Oo New voicemail       0         Exh. B-1 [Droid X User's Guide] at 9.       9.         • A second example of an application that provides status functions is the email
	application, which indicates, for example, that a new email has been received. <b>Exh. B-1</b> [Droid X User's Guide] at 9.
generating a first window sized to accommodate a plurality of display areas for indicia resulting from executing at least one of the plurality of individual programming modules,	<ul> <li>The Accused '002 Products generate a first window sized to accommodate a plurality of display areas for indicia resulting from executing at least one of the plurality of individual programming modules,</li> <li>As one example, the Android operating system software as implemented on the Droid X generates a phone status and notifications window ("Notification Window") that is sized to accommodate a plurality of display areas.</li> </ul>

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<ul> <li>In the above reproduced image of the Notification Window for the Droid X, the display areas on the Notifications Window of the Droid X each include an indicia that results from executing a programming module. <i>Id.</i> For example, the "new email" display area includes indicia resulting from executing an email module. The indicia for the "new email" display area includes include a textual indication of the new email as well as an icon. A second example is shown in the "new voicemail" display area, which includes indicia resulting from executing a voicemail module. <i>Id.</i> The indicia for the "new voicemail" display area, which includes as an icon.</li> </ul>
• The sizing of the "Notification Window" changes as the window is dragged down by the user. The arrow in the above reproduced image represents the window being dragged down by the user, where multiple notifications can be provided.
<ul> <li>For the '002 Accused Products, each of the plurality of display areas is associated with one of the plurality of individual programming modules.</li> <li>As one example, the display areas within the Notification Window generated by the Android operating system software as implemented on the Droid X are each associated with an individual programming module.</li> </ul>

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	July 15, 2010       If a 3:00 PM         Verizon Wireless       Clear         Notifications       Image: Clear         Image: Copy Revisions       2:50 PM         Image: Copy Revisions       2:50 PM         Meet me outside the theater       2:47 PM         New email       2:45 PM         Image: Copy Revisions       2:45 PM
wherein the first window is independently displayed and independently active of any application program, the first window region and the plurality of independent display areas implemented in a window layer that appears on top of application programming windows that may be generated;	For the '002 Accused Products, the first window is independently displayed and independently active of any application program, the first window region and the plurality of independent display areas implemented in a window layer that appears on top of application programming windows that may be generated.

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	<ul> <li>July 15, 2010 The arrow of the least of the</li></ul>
displaying the indicia in each of said plurality of display areas by executing one of a plurality of individual programming modules corresponding to each indicia;	The '002 Accused Products display the indicia in each of said plurality of display areas by executing one of a plurality of individual programming modules corresponding to each indicia.

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	<ul> <li>July 15, 2010 Yerizon Wireless Clear Notifications Mary Morgan Copy Revisions 250 PM Jin Somers Meet me outside the theater 247 PM Meet me outside the theater 247 PM New email pull.warg6@gmail.com(2) 245 PM New voicemail</li> <li>In the above reproduced image of the Notification Window for the Droid X, indicia are displayed in each of the display areas by executing a programming module corresponding to the indicia. For example, the "new email" display area includes indicia resulting from executing an email module. The indicia for the "new email" display area include a textual indication of the new email as well as an icon. A second example is shown in the "new voicemail" display area, which includes indicia resulting from executing a voicemail module. Id. The indicia for the "new voicemail" display area include a textual indication of the new voicemail" display area include a textual indication of the new voicemail" display area include a textual indication of the new voicemail" display area include a textual indication of the new voicemail as well as an icon.</li> </ul>
selecting one of the indicia, wherein the selecting comprises a first programming module determining which of said plurality of display areas is selected and sending a message to a programming module of said plurality of individual programming modules responsible for generating a display of a selected indicia;	The '002 Accused Products select one of the indicia, wherein the selecting comprises a first programming module determining which of said plurality of display areas is selected and sending a message to a programming module of said plurality of individual programming modules responsible for generating a display of a selected indicia.



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	programming module and if a user touches the "new voicemail" indicia, an intent will be sent to a voicemail programming module. <b>Exh. B-1</b> [Droid X User's Guide] at 9; <b>Exh. B-2</b> [Creating Status Bar Notifications (http://developer.android.com/guide/topics/ui/notifiers/notifications.html)].
said programming module performing a function in response to a selection.	The programming module of the '002 Accused Products performs a function in response to a selection.
	• As a result of receiving an Intent as discussed in the preceding step, the receiving programming module can perform a function called an "Activity."
	Creating Status Bar Notifications
	A status bar notification adds an icon to the system's status bar (with an optional ticker-text message) and an expanded message in the "Notifications" window. When the user selects the expanded message, Android fires an <u>Intent</u> that is defined by the notification (usually to launch an <u>Activity</u> ). You can also configure the notification to alert the user with a sound, a vibration, and flashing lights on the device.
	<b>Exh. B-2</b> [Creating Status Bar Notifications (http://developer.android.com/guide/topics/ui/notifiers/notifications.html)]. For example, the "new email" display area includes indicia resulting from executing an email module. The indicia for the "new email" display area include a textual indication of the new email as well as an icon. A second example is shown in the "new voicemail" display area, which includes indicia resulting from executing a voicemail module. <b>Exh. B-1</b> [Droid X User's Guide] at 9. The indicia for the "new voicemail" display area include a textual indication of the new voicemail as well as an icon.
46. A computer readable medium containing executable computer program instructions, which when executed by a data processing system, cause the data processing system to perform a method	The '002 Accused Products include a computer readable medium containing executable computer program instructions, which when executed by a data processing system, cause the data processing system to perform a method for generating control information comprising.

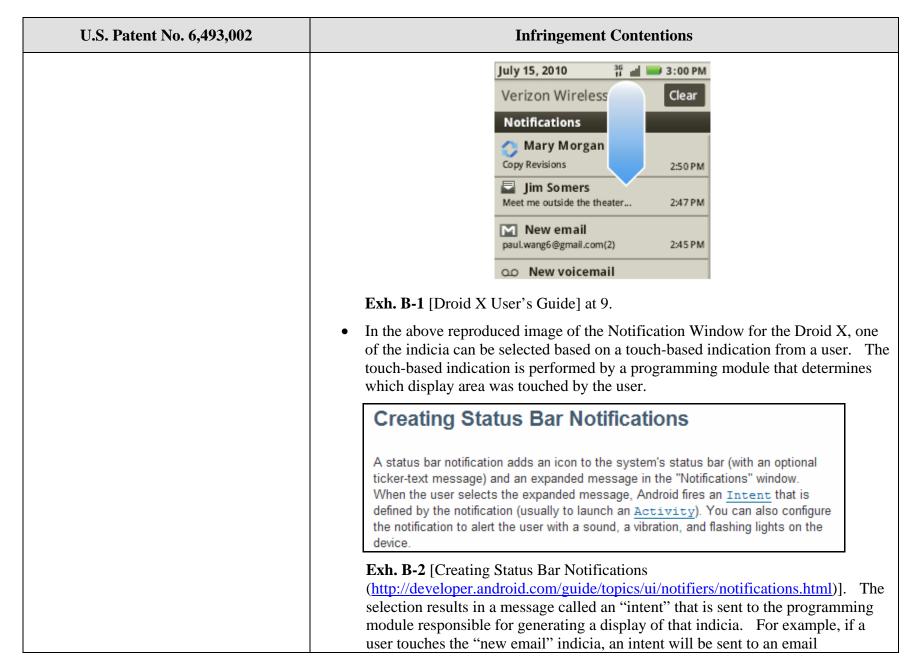
U.S. Patent No. 6,493,002	Infringement Contentions
for generating control information comprising:	• As one example, the Droid X includes a memory that stores the Android 2.1 operating system software. The Android operating system software included on the Droid X when executed by the processor of the Droid X, causes the processor to generate control information. <i>See generally</i> <b>Exh. B-1</b> [Droid X User's Guide].
creating an operating environment for a plurality of individual programming modules associated with different application programs that provide status and/or control functions;	The accused computer readable medium containing executable computer program instructions, when executed, creates an operating environment for a plurality of individual programming modules associated with different application programs that provide status and/or control functions.  • As one example, the Android operating system software as implemented on the Droid X allows for the operation of a plurality of individual programming modules associated with different application programs that provide status and/or control functions. These different application programs that provide status and/or control functions. These different application programs can include a phone application, a map application, and a messaging application. <b>Status Indicators Flick this bar down to see details</b> . <b>Notifications Flick this bar down to see details</b> . <b>Shortcuts Touch to open</b> . <b>Open the App tray. Press Back</b> D to close.
	Exh. B-1 [Droid X User's Guide] at 7.

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	• An example application program that provides control information is the phone application, which instructs the Droid X to perform phone functions.
generating a first window sized to accommodate a plurality of display areas for indicia resulting from executing at least one of the plurality of individual programming modules,	<ul> <li>The accused computer readable medium containing executable computer program instructions, when executed, generates a first window sized to accommodate a plurality of display areas for indicia resulting from executing at least one of the plurality of individual programming modules.</li> <li>As one example, the Android operating system software as implemented on the Droid X generates a Notification Window that is sized to accommodate a plurality of display areas.</li> </ul>
	July 15, 2010 Verizon Wireless Notifications Mary Morgan Copy Revisions 2:50 PM Jim Somers Meet me outside the theater 2:47 PM New email
	paul.wang6@gmail.com(2) 2:45 PM
	Exh. B-1 [Droid X User's Guide] at 9.
	• In the above reproduced image of the Notification Window for the Droid X, the display areas on the Notifications Window of the Droid X each include an indicia that results from executing a programming module. <i>Id.</i> For example, the "new email" display area includes indicia resulting from executing an email module. The indicia for the "new email" display area include a textual indication of the new email as well as an icon. A second example is shown in the "new voicemail" display area, which includes indicia resulting from executing a voicemail module. <i>Id.</i> The indicia for the "new voicemail" display area, which includes indicia resulting from executing a

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	a textual indication of the new voicemail as well as an icon.
	• The sizing of the "Notification Window" changes as the window is dragged down by the user. The arrow in the above reproduced image represents the window being dragged down by the user, where multiple notifications can be provided.
wherein each of the plurality of display areas is associated with one of the plurality of individual programming modules, and	For the accused computer readable medium containing executable computer program instructions, when executed, each of the plurality of display areas is associated with one of the plurality of individual programming modules. • As one example, the display areas within the Notification Window generated by the Android operating system software as implemented on the Droid X are each associated with an individual programming module. <b>July 15, 2010 ************************************</b>
	Exh. B-1 [Droid X User's Guide] at 9.
	• In the above reproduced image of the Notification Window for the Droid X, the display areas are each associated with one of the programming module. <i>Id.</i> For example, the display area for the "new email" notification is associated with an email programming module and the "new voicemail" notification is associated with a voicemail module. <i>Id.</i>

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wherein the first window is independently displayed and independently active of any application program, the first window region and the plurality of independent display areas implemented in a window layer that appears on top of application programming windows that may be generated;	<ul> <li>For the accused computer readable medium containing executable computer program instructions, when executed, the first window is independently displayed and independently active of any application program, the first window region and the plurality of independent display areas implemented in a window layer that appears on top of application programming windows that may be generated.</li> <li>July 15, 2010 36 and 300 PM Verizon Wireless Clear Verizon Wireless Clear Notifications Mary Morgan 250 PM Mary Morgan 250</li></ul>
displaying the indicia in each of the plurality of display areas by executing one of a plurality of individual programming modules corresponding to each indicia; and	The accused computer readable medium containing executable computer program instructions, when executed, displays the indicia in each of the plurality of display areas by executing one of a plurality of individual programming modules corresponding to each indicia.

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	<ul> <li>July 15, 2010 To 3:00 PM</li> <li>Verizon Wireless Clear</li> <li>Notifications</li> <li>Mary Morgan</li> <li>Copy Revisions</li> <li>2:50 PM</li> <li>Jim Somers</li> <li>Meet me outside the theater 2:47 PM</li> <li>Paul.wang6@gmail.com(2) 2:45 PM</li> <li>New voicemail</li> <li>Exh. B-1 [Droid X User's Guide] at 9.</li> <li>In the above reproduced image of the Notification Window for the Droid X, indicia are displayed in each of the display areas by executing a programming module corresponding to the indicia. For example, the "new email" display area include a textual indication of the new email as well as an icon. A second example is shown in the "new voicemail" display area, which includes indicia resulting from executing a voicemail module. Id. The indicia for the "new voicemail" display area include a textual indication of the new voicemail as well as an icon.</li> </ul>
selecting one of the indicia, wherein the selecting comprises a first programming module determining which of the plurality of display areas is selected and sending a message to a programming module of the plurality of individual programming modules responsible for generating a display of a selected indicia, and	The accused computer readable medium containing executable computer program instructions, when executed, selects one of the indicia, wherein the selecting comprises a first programming module determining which of the plurality of display areas is selected and sending a message to a programming module of the plurality of individual programming modules responsible for generating a display of a selected indicia.



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	programming module and if a user touches the "new voicemail" indicia, an intent will be sent to a voicemail programming module. <b>Exh. B-1</b> [Droid X User's Guide] at 9; <b>Exh. B-2</b> [Creating Status Bar Notifications ( <u>http://developer.android.com/guide/topics/ui/notifiers/notifications.html</u> )].
the programming module performing a function in response to a selection.	The accused computer readable medium containing executable computer program instructions, when executed, includes a programming module that performs a function in response to a selection.
	• As a result of receiving an Intent as discussed in the preceding step, the receiving programming module can perform a function called an "Activity."
	Creating Status Bar Notifications
	A status bar notification adds an icon to the system's status bar (with an optional ticker-text message) and an expanded message in the "Notifications" window. When the user selects the expanded message, Android fires an <u>Intent</u> that is defined by the notification (usually to launch an <u>Activity</u> ). You can also configure the notification to alert the user with a sound, a vibration, and flashing lights on the device.
	<b>Exh. B-2</b> [Creating Status Bar Notifications ( <u>http://developer.android.com/guide/topics/ui/notifiers/notifications.html</u> )]. For example, if a user touches the "new email" indicia in the above reproduced Notification Window, an Intent will result in an Activity including the opening of an email programming module and if a user touches the "new voicemail" indicia in the above reproduced Notification Window, an Intent will result in an Activity including opening a voicemail programming module.