

EXHIBIT 11

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

**CERTAIN WIRELESS
COMMUNICATION DEVICES,
PORTABLE MUSIC and DATA
PROCESSING DEVICES, COMPUTERS,
AND COMPONENTS THEREOF**

Investigation No. 337-TA- _____

**COMPLAINT UNDER SECTION 337 OF THE
TARIFF ACT OF 1930, AS AMENDED**

Complainants

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Respondent

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Exhibit 10	Certified Copy of the Assignment to Motorola Inc. of United States Patent No. 6,425,002
Exhibit 11	Copy of the Assignment to Motorola Inc. of the Parent of United States Patent No. 6,493,673 and All Divisions, Extensions, Continuations, or Reissues Thereof
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Confidential Exhibit C	Motorola Blur Architecture Document
Confidential Exhibit D	Motorola Blur Design Specification
Confidential Exhibit E	Motorola Blur Design Specification

Appendices	Description
Appendix 1	Certified File History of United States Patent No. 5,883,580
Appendix 2	Certified File History of United States Patent No. 5,922,047
Appendix 3	Certified File History of United States Patent No. 6,425,002
Appendix 4	File History of United States Patent No. 6,493,673
Appendix 5	Certified File History of United States Patent No. 6,983,370
Appendix 6	Certified File History of United States Patent No. 7,007,064
Appendix 7	Certified File History of United States Patent No. 7,383,983
Appendix 8	Technical References Cited in U.S. Patent No. 5,883,580
Appendix 9	Technical References Cited in U.S. Patent No. 5,922,047
Appendix 10	Technical References Cited in U.S. Patent No. 6,425,002
Appendix 11	Technical References Cited in U.S. Patent No. 6,493,673
Appendix 12	Technical References Cited in U.S. Patent No. 6,983,370
Appendix 13	Technical References Cited in U.S. Patent No. 7,007,064
Appendix 14	Technical References Cited in U.S. Patent No. 7,383,983

I. INTRODUCTION

1. Motorola Mobility LLC (f/k/a Motorola Mobility, Inc.) ("Mobility"), Motorola Mobility Ireland ("Mobility Ireland"), and Motorola Mobility International Limited ("Mobility International") (collectively, "Complainants") respectfully request that the United States International Trade Commission ("Commission") institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337").¹

2. Apple Inc. ("Apple" or "Respondent") has engaged in unfair acts in violation of Section 337 through unlawful and unauthorized importation and/or sale for importation into the United States, and/or the sale within the United States after importation, of certain wireless communications devices, portable music and data processing devices, computers, and components thereof (hereinafter collectively "Accused Products"). The Accused Products infringe one or more claims of United States Patent Nos. 5,883,580 ("the '580 Patent"), 5,922,047 ("the '047 Patent"), 6,425,002 ("the '002 Patent"), 6,493,673 ("the '673 Patent"), 6,983,370 ("the '370 Patent"), 7,007,064 ("the '064 Patent"), and 7,383,983 ("the '983 Patent") (collectively the "Asserted Patents") through their importation, sale for importation, use after importation, and sale after importation. *See* Exhs. 23-29.

3. In particular, the Accused Products infringe at least claims 1, 2, 3, 10, 11, 13, and 15 of the '580 Patent, claims 17 and 18 of the '047 Patent, claims 1, 5, 6, and 11 of the '002 Patent, claims 1, 9, 10, 11, and 50 of the '673 Patent, claims 50, 51, 52, and 54 of the '370 Patent, claims 1, 2, 5, 6, 7, 9, 10, 11, 12, and 13 of the '064 Patent, and claims 1, 2, 3, 4, 9, 12,

¹ As discussed below, on July 31, 2010, Motorola, Inc. assigned the Asserted Patents to Motorola Mobility, Inc., which later became Motorola Mobility LLC. Motorola, Inc. also has transferred the relevant mobile devices business to Mobility. Prior to July 31, 2010, Motorola, Inc. owned the Asserted Patents and the relevant mobile device business. As a result, where appropriate this Complaint will refer to the past and present business activities of Mobility and Motorola, Inc.

13, 14, 25, 26, 31, 33, 34, 35, 37, 39, and 40 of the '983 Patent (collectively the "Asserted Claims").

4. Mobility owns by assignment the right, title and interest in and to the Asserted Patents. *See* Exhs. 8-14 (assignments of each Asserted Patent from the named inventors to Motorola, Inc.); Exh. 15 (assignment of Asserted Patents from Motorola, Inc. to Motorola Mobility, Inc.); Exh. 89 (certificate of formation of Motorola Mobility LLC); Exh. 16 (certificate of conversion from Motorola Mobility, Inc. to Motorola Mobility LLC). Pursuant to a Form 10 filed with the Securities and Exchange Commission on July 1, 2010, Motorola, Inc. transferred its mobile devices and home business units to Motorola Mobility, Inc. and assigned the Asserted Patents to Motorola Mobility, Inc. Motorola Mobility, Inc. was created as a subsidiary of Motorola, Inc., and on July 31, 2010, Motorola, Inc. assigned the Asserted Patents to Motorola Mobility, Inc. Motorola Mobility, Inc. was spun-off from Motorola, Inc. on January 4, 2011 with a distribution of Motorola Mobility Holdings, Inc. stock to all Motorola, Inc. stockholders of record as of December 21, 2010. Motorola Mobility Holdings, Inc. was the holding company for Motorola Mobility, Inc. Motorola, Inc. thereafter changed its name to Motorola Solutions, Inc. On May 22, 2012, Google Inc. acquired Motorola Mobility Holdings, Inc. with Motorola Mobility Holdings, Inc. becoming a wholly owned subsidiary of Google Inc. Motorola Mobility Holdings, Inc. thereafter changed its name to Motorola Mobility Holdings LLC, and Motorola Mobility, Inc. thereafter changed its name to Motorola Mobility LLC.

5. Mobility Ireland and Mobility International have an exclusive license to the Asserted Patents. Mobility has retained the right to enforce the Asserted Patents.

6. Motorola, Inc's and Mobility's historic and current operations in the United States qualify as a domestic industry relating to the Asserted Patents and articles protected by the Asserted Patents, within the meaning of 19 U.S.C. § 1337(a)(2) & (3).

7. Mobility conducts research and development to develop new technology related to wireless handsets with integrated software and accessory products, and designs, manufactures, sells and services wireless handsets with integrated software and accessory products.

8. Motorola, Inc. and now Mobility design, develop, market, sell and service in the United States products that practice one or more claims of the Asserted Patents. Research and development of intellectual property relating to mobile devices by Motorola, Inc. resulted in each of the Asserted Patents.

9. Complainants seek relief from the Commission in the form of a permanent exclusion order prohibiting entry into the United States of the Accused Products that infringe one or more claims of the Asserted Patents. Complainants further seek a cease and desist order prohibiting Respondent, its subsidiaries, related companies and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, sale after importation or other transfers within the United States after importation of the Accused Products that infringe one or more claims of the Asserted Patents.

II. PARTIES

A. Complainants

10. Mobility is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 600 North US Highway 45, Libertyville, Illinois 60048. The Form 10-Q of Motorola Mobility Holdings, Inc. (now Motorola Mobility

Holdings LLC), the parent corporation and holding company of Mobility, for the period ended March 31, 2012, and its 2011 Annual Report are attached as Exhibits 17 and 18, respectively.

11. Mobility Ireland is an unlimited liability company organized and existing under the laws of Ireland with a place of business at Clarendon House, 2 Church Street, P.O. Box HM666, Hamilton HMCX, Bermuda.

12. Mobility International is a company organized and existing under the laws of Bermuda limited by shares with a place of business at Clarendon House, 2 Church Street, Hamilton HM11, Bermuda.

13. In furtherance of Motorola, Inc.'s transfer of its mobile devices and home business to Mobility, Motorola, Inc. assigned all its right, title, and interest in the Asserted Patents to Motorola Mobility, Inc. on July 31, 2010. Motorola Mobility, Inc. thereafter changed its name to Motorola Mobility LLC. Mobility continues to operate the mobile devices and home business units and own the Asserted Patents.

14. As a result of long-term domestic activities, Mobility maintains Motorola, Inc.'s legacy as a leading innovator in the communications and electronics industry. From the introduction of its first commercially successful car radio in 1930 to the inception of the world's first commercial portable cellular phone in 1983, Motorola, Inc. and now Mobility have developed substantial proprietary and leading technology relating to wireless communications and electronics. *See* Exh. 19 (excerpt from Mobility's website). Motorola, Inc. was also the first to bring push-to-talk over cellular to market. More recently, Motorola, Inc. demonstrated the world's first WiMAX 802.16e mobile handoff and the industry's first over-the-air data sessions in the 700 MHz spectrum using the Long Term Evolution standard, which is the next evolution of mobile broadband. *See* Exh. 20 (excerpt from Mobility's website)

15. Among other things, Mobility designs, manufactures, sells, and services wireless handsets with integrated software and accessory products. The net revenues of the Mobile Devices segment of Mobility represented 73% of Motorola Mobility Holdings, Inc.'s consolidated net revenues of approximately \$13.1 billion in 2011. *See* Exh. 18.

16. Motorola, Inc. and now Mobility have commercialized and continue to actively commercialize the patented technologies.

17. Mobility has made significant financial investments into domestic research and development in its Mobile Devices segment. Mobility continues to believe that a strong domestic commitment to research and development is required to drive long-term growth of the companies. Thousands of Mobility domestic employees are dedicated to engineering and science operations and corresponding supporting activities for wireless communication devices.

B. The Respondent

18. Respondent Apple Inc. is a corporation organized under the laws of California and has its principal place of business at 1 Infinite Loop, Cupertino, California 95014.

19. Respondent imports and/or sells for importation into the United States, and/or sells within the United States after importation certain wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe the Asserted Patents without the authorization of Mobility. Respondent has facilities around the world, including retail stores in the United States to directly sell the Accused Products to end users. *See* Exh. 21.

III. ACCUSED PRODUCTS AT ISSUE

20. Respondent designs, imports, sells for importation into the United States, and/or sells within the United States after importation, certain wireless communication devices, portable music and data processing devices, computers, and components thereof.

21. The accused Apple iOS devices include, but are not limited to, the Apple iPod Touch, the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the new Apple iPad (aka the iPad 3). These devices utilize various wireless technologies that, for example, create location-based reminders, operate multimedia applications, and manage various messages and content.

22. The accused Apple Mac OS devices include, but are not limited to, the Mac Pro, iMac, Mac mini, MacBook Pro, and MacBook Air, which utilize wireless communication technologies to manage various messages and content.

23. Each of the Accused Products meets each and every limitation of at least one claim of one or more of the Asserted Patents. The Accused Products include, but are not limited to, all versions of the above-referenced products, as well as certain software and services that are distributed as components of these devices. These products, however, are merely illustrative of the types and classes of infringing products that Respondent manufactures and imports into the United States, sells for importation into the United States, and/or sells within the United States after importation in violation of Section 337.

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS

A. The '580 Patent

1. Identification of the '580 Patent and Ownership

24. Mobility owns by assignment the right, title and interest in United States Patent No. 5,883,580, titled "Geographic-Temporal Significant Messaging," which issued on March 16, 1999, naming Alain Charles Louis Briancon and Terence Edward Sumner as inventors. A certified copy of the '580 Patent is attached as Exhibit 1; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 8. A certified

copy of the July 31, 2010 assignment of the '580 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

25. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '580 Patent, as well as four copies of the '580 Patent and each technical reference mentioned in the prosecution history of the '580 Patent, are submitted concurrently herewith as Appendices 1 and 8, respectively.

2. Foreign Counterparts to the '580 Patent

26. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '580 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '580 Patent²

27. The '580 Patent generally relates to messaging devices that process messages logically for a user in the context of space and time. The patent discloses, inter alia, a method and apparatus for receiving messages having a relevancy status (e.g., a location identifier) and processing the messages when the relevancy status changes.

4. Prior Litigation Involving the '580 Patent

28. The '580 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '580 Patent.

² The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

29. The '580 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '580 Patent.

B. The '047 Patent

1. Identification of the '047 Patent and Ownership

30. Mobility owns by assignment the right, title and interest in United States Patent No. 5,922,047, titled "Apparatus, Method And System For Multimedia Control And Communication," which issued on July 13, 1999, naming Douglas J. Newlin and Timothy M. Burke as inventors. A certified copy of the '047 Patent is attached as Exhibit 2; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 9. A certified copy of the July 31, 2010 assignment of the '047 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

31. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '047 Patent, as well as four copies of the '047 Patent and each technical reference mentioned in the prosecution history of the '047 Patent, are submitted concurrently herewith as Appendices 2 and 9, respectively.³

³ Complainants were unable to gather the publications mentioned in the prosecution history of the '047 Patent, but will locate these publications and submit them once received by Complainants.

2. Foreign Counterparts to the '047 Patent

32. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '047 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '047 Patent⁴

33. The '047 Patent generally relates to communications and control systems for multimedia. In particular, the '047 Patent discloses, inter alia, an apparatus and method for providing control functions over multiple and diverse media applications, preferably operating at more than one designated node or location.

4. Prior Litigation Involving the '047 Patent

34. The '047 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '047 Patent or any of its counterparts.

35. The '047 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '047 Patent.

C. The '002 Patent

1. Identification of the '002 Patent and Ownership

36. Mobility owns by assignment the right, title and interest in United States Patent No. 6,425,002, titled "Apparatus and Method for Handling Dispatching Messages for Various Applications of a Communication Device," which issued on July 23, 2002, naming Rodd Bryan Zurcher, David Frank Baum, and James Van Peurseem as inventors. A certified copy of the '002

⁴ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

Patent is attached as Exhibit 3; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 10. A certified copy of the July 31, 2010 assignment of the '002 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

37. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '002 Patent, as well as four copies of the '002 Patent and each technical reference mentioned in the prosecution history of the '002 Patent, are submitted concurrently herewith as Appendices 3 and 10, respectively.

2. Foreign Counterparts to the '002 Patent

38. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '002 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '002 Patent⁵

39. The '002 Patent generally relates to communications devices that ensure applications installed therein only receive messages that are of interest. The patent discloses, inter alia, a message manager program for accepting and dispatching messages, application program(s) for handling and presenting messages, and message client program(s) that receive messages from the message manager program and provides them to the application program.

⁵ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

4. Prior Litigation Involving the '002 Patent

40. The '002 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '002 Patent or any of its counterparts.

41. The '002 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '002 Patent.

D. The '673 Patent

1. Identification of the '673 Patent and Ownership

42. Mobility owns by assignment the right, title and interest in United States Patent No. 6,493,673, titled "Markup Language For Interactive Services And Methods Thereof," which issued on December 10, 2002, naming David Ladd and Gregory Johnson as inventors. A copy of the '673 Patent is attached as Exhibit 4. Complainants have ordered a certified copy, which Complainants will submit upon receipt. A copy of the recorded assignment from the named inventors to Motorola, Inc. with respect to the parent of the '673 Patent and all divisions, extensions, continuations, and/or reissues thereof is attached as Exhibit 11. Complainants have ordered a certified copy, which Complainants will submit upon receipt. A certified copy of the July 31, 2010 assignment of the '673 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

43. Pursuant to Commission Rule 210.12, four copies of the prosecution history of the '673 Patent, as well as four copies of the '673 Patent and each technical reference mentioned in the prosecution history of the '673 Patent, are submitted concurrently herewith as Appendices

4 and 11, respectively.⁶ Complainants have ordered a certified copy of the prosecution history of the '673 Patent and will submit upon receipt.

2. Foreign Counterparts to the '673 Patent

44. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '673 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '673 Patent⁷

45. The '673 Patent generally relates to communications devices that are capable of providing interactive services. The patent discloses, inter alia, providing prompt element including an announcement to be read to a user, and an input element that allows an audible user input to be converted into a text string.

4. Prior Litigation Involving the '673 Patent

46. The '673 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '673 Patent or any of its counterparts.

47. The '673 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '673 Patent.

⁶ After a diligent search, Complainants have been unable to locate one technical reference: "Nava Air Federal Credit Union Call 24 Voice Response Brochure, May 1994."

⁷ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

E. The '370 Patent

1. Identification of the '370 Patent and Ownership

48. Mobility owns by assignment the right, title and interest in United States Patent No. 6,983,370, titled "System For Providing Continuity Between Messaging Clients And Method Therefor," which issued on January 3, 2006, naming Eric Thomas Eaton, David Jeffery Hayes, and Von Alan Mock as inventors. A certified copy of the '370 Patent is attached as Exhibit 5; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 12. A certified copy of the July 31, 2010 assignment of the '370 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

49. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '370 Patent, as well as four copies of the '370 Patent and each technical reference mentioned in the prosecution history of the '370 Patent, are submitted concurrently herewith as Appendices 5 and 12, respectively.

2. Foreign Counterparts to the '370 Patent

50. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '370 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '370 Patent⁸

51. The '370 Patent generally relates to communication systems incorporating capabilities to provide continuity between messaging clients. More specifically, the '370 Patent relates to the ability to sync the messaging capabilities of multiple devices.

4. Prior Litigation Involving the '370 Patent

52. On or about November 10, 2010, Mobility filed a Complaint in the United States District Court for the Southern District of Florida based on, *inter alia*, the alleged infringement of the '370 Patent by Microsoft Corporation in a case captioned *Motorola Mobility Inc. v. Microsoft Corporation*, Case No. 10-CV-24063-FAM (S.D. Fla.). That case was later transferred to the United States District Court for the Western District of Washington on or about August 25, 2011, *see Motorola Mobility, Inc. v. Microsoft Corp.*, Case No. 2:11-CV-01408-JLR (W.D. Wash.), and is still pending before that Court. The '370 Patent has not been the subject of any other previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '370 Patent or any of its counterparts.

53. The '370 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '370 Patent.

F. The '064 Patent

1. Identification of the '064 Patent and Ownership

54. Mobility owns by assignment the right, title and interest in United States Patent No. 7,007,064, titled "Method And Apparatus For Obtaining And Managing Wirelessly

⁸ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

Communicated Content," which issued on February 28, 2006, naming Randi W. Faris as inventor. A certified copy of the '064 Patent is attached as Exhibit 6; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 13. A certified copy of the July 31, 2010 assignment of the '064 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

55. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '064 Patent, as well as four copies of the '064 Patent and each technical reference mentioned in the prosecution history of the '064 Patent, are submitted concurrently herewith as Appendices 6 and 13, respectively.

2. Foreign Counterparts to the '064 Patent

56. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '064 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '064 Patent⁹

57. The '064 Patent generally relates to wireless communications systems for providing content to wireless communication devices. In particular, the '064 Patent discloses, inter alia, an apparatus and method for obtaining and managing wirelessly communicated content.

⁹ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

4. Prior Litigation Involving the '064 Patent

58. The '064 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '064 Patent or any of its counterparts.

59. The '064 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '064 Patent.

G. The '983 Patent

1. Identification of the '983 Patent and Ownership

60. Mobility owns by assignment the right, title and interest in United States Patent No. 7,383,983, titled "System And Method For Managing Content Between Devices In Various Domains," which issued on June 10, 2008, naming Michael T. Gaumont, Richard Mark Clayton, Parvathy Bhaskaran, and Lee Callaway as inventors. A certified copy of the '983 Patent is attached as Exhibit 7; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 14. A certified copy of the July 31, 2010 assignment of the '983 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

61. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '983 Patent, as well as four copies of the '983 Patent and each technical reference mentioned in the prosecution history of the '983 Patent, are submitted concurrently herewith as Appendices 7 and 14, respectively.

2. Foreign Counterparts to the '983 Patent

62. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '983 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '983 Patent¹⁰

63. The '983 Patent generally relates to managing content between devices in various domains and, more particularly, to a system and method for pausing content in one device and resuming playback of the content in another device that may be in a different domain.

4. Prior Litigation Involving the '983 Patent

64. The '983 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '983 Patent or any of its counterparts.

65. The '983 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '983 Patent.

V. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT – PATENT INFRINGEMENT

66. Respondent unlawfully sells for importation, imports, and/or sells within the United States after importation the Accused Products, thereby infringing at least claims 1, 2, 3, 10, 11, 13, and 15 of the '580 Patent, claims 17 and 18 of the '047 Patent, claims 1, 5, 6, and 11 of the '002 Patent, claims 1, 9, 10, 11, and 50 of the '673 Patent, claims 50, 51, 52, and 54 of the '370 Patent, claims 1, 2, 5, 6, 7, 9, 10, 11, 12, and 13 of the '064 Patent, and claims 1, 2, 3, 4, 9,

¹⁰ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

12, 13, 14, 25, 26, 31, 33, 34, 35, 37, 39, and 40 of the '983 Patent (collectively the "Asserted Claims").

67. Respondent has directly infringed and continues to directly infringe at least the Asserted Claims of the Asserted Patents by, *inter alia*, its importation, sale for importation, and/or its sale in the United States after importation of the Accused Products. Respondent also directly infringes the Asserted Claims of the Asserted Patents by having its employees or agents operate, test, and/or demonstrate the Accused Products in the United States, and through those activities infringes the Asserted Claims of the Asserted Patents.

68. Respondent indirectly infringes at least claims 1, 2, 3, 10, 11, 13, and 15 of the '580 Patent, claims 50, 51, 52, and 54 of the '370 Patent, and claims 1, 2, 3, 4, 9, 12, 13, 14, 25, 26, 31, 33, 34, 35, 37, 39, and 40 of the '983 Patent by inducing and/or contributing to infringement of the asserted claims of these patents. For example, Respondent induces infringement and/or contributorily infringes when consumers and/or Respondent's employees operate the Accused Products in the United States.

69. Upon information and belief, Respondent induces infringement because: (i) Respondent has knowledge of the '580 Patent and the '983 Patent, at least through discussions with Mobility in 2010 and has knowledge of the '370 Patent at least through its monitoring of *Motorola Mobility, Inc. v. Microsoft Corp.*, Case No. 2:11-CV-01408-JLR (W.D. Wash.); (ii) Respondent intends to induce direct infringement of at least the '580 Patent, the '370 Patent, and the '983 Patent; (iii) Respondent actively induces direct infringement by knowingly aiding and abetting that infringement; and/or (iv) Respondent has actual or constructive knowledge that its actions would induce infringement. For example, Respondent induces infringement by, among other things, providing and selling the Accused Products, creating and distributing user manuals

and marketing materials, and by other acts and communications that instruct users how to operate the Accused Products and otherwise cause others to use the Accused Products, and thereby practice the claimed inventions of at least the '580 Patent, the '370 Patent, and the '983 Patent.

70. Upon information and belief, Respondent further contributes to infringement of at least the '580 Patent, the '370 Patent, and the '983 Patent because there is a lack of substantial non-infringing uses for the Accused Products. Upon information and belief, Respondent knows the Accused Products are especially made or especially adapted for use in the infringement of at least the '580 Patent, the '370 Patent, and the '983 Patent and that the infringing portions of these products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

71. The Accused Products that infringe the '580 Patent include at least the Apple iPhone 4 and the Apple iPhone 4S. Exhibit 23 is a claim chart that compares representative asserted independent claims 1 and 10 of the '580 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36-45 and 93.

72. The Accused Products that infringe the '047 Patent include at least the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the Apple iPad 3. Exhibit 24 is a claim chart that compares representative asserted independent claim 17 of the '047 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36, 39, and 46.

73. The Accused Products that infringe the '002 Patent include at least the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the Apple iPad 3. Exhibit 25 is a claim chart that compares representative asserted independent claims 1 and 11 of

the '002 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36, 39, 45, 47-54, and 93.

74. The Accused Products that infringe the '673 Patent include at least Apple iPhone 4S. Exhibit 26 is a claim chart that compares representative asserted independent claims 1 and 50 of the '673 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36 and 93-98.

75. The Accused Products that infringe the '370 Patent include at least the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, the Apple iPad 3, the Mac Pro, the iMac, the Mac mini, the MacBook Pro, and the MacBook Air. Exhibit 27 is a claim chart that compares representative asserted independent claim 50 of the '370 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 38 and 55.

76. The Accused Products that infringe the '064 Patent include at least the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the Apple iPad 3. Exhibit 28 is a claim chart that compares representative asserted independent claim 1 of the '064 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36-37, 45, 56-61, and 93.

77. The Accused Products that infringe the '983 Patent include at least the Apple iPod Touch, the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad, the Apple iPad 2, and the Apple iPad 3. Exhibit 29 is a claim chart that compares representative asserted independent claims 1 and 25 of the '983 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 38 and 62-67.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

78. Significant portions of Respondent's products, including Respondent's Accused Products, are manufactured outside the United States, primarily in Asia (*see* Exh. 91 at 7), and

sold within the United States. Thus, as of the filing of this Complaint, the Accused Products are being imported into the United States, sold for importation into the United States, and/or being sold within the United States after importation by Respondent.

79. The specific instances of importation of infringing Accused Products set forth below are representative examples of Respondent's unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

80. The Accused Products were purchased in the United States in Respondent's retail stores.¹¹

81. The purchase receipts of representative Accused Products are attached as Exhibits to the Declaration of Jon Tap ("Tap Decl."), which is attached as Exhibit 92.

82. The Accused Products are marked as manufactured in China. *See* Tap Decl., Exhs. B, D, F, H. Photographs of the Accused Products, in their packaging, are submitted as an Exhibit to the Tap Decl., and is representative of the other accused wireless communication devices. *See id.*

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

83. Upon information and belief, the infringing Accused Products of Respondent may be classified under at least the following heading and subheading of the Harmonized Tariff Schedule of the United States ("HTSUS"): 8517.12.00; 8519.81.40; 8519.89.30; 8521.90.00; 8471.30.01, 8471.41.01; and 8471.49.00.

84. These classifications are exemplary in nature and are not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

¹¹ At the request of the Commission, Complainant will provide physical samples of the Accused Products.

VIII. THE DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

85. An industry as required by Section 337(a)(2) and defined by Section 337(a)(3) exists in the United States relating to Mobility's mobile phones protected by the Asserted Patents.

A. Technical Prong

86. Many of Mobility's wireless communications devices practice the Asserted Patents. However, for purposes of outlining Mobility's satisfaction of the domestic industry requirement, Mobility has selected four representative devices: the Droid 4, the Droid Razr, the Droid Razr Maxx, and the Motorola Xoom ("Representative Domestic Industry Products").¹²

87. Exhibit 30 is a claim chart demonstrating that each and every limitation of at least exemplary claim 1 of the '580 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least two other Representative Domestic Industry Products, the Droid Razr Maxx and the Droid 4. Documents referenced in this claim chart are attached as Exhibits 68-74.

88. Exhibit 31 is a claim chart demonstrating that each and every limitation of at least exemplary claim 17 of the '047 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least two other Representative Domestic Industry Products, the Droid Razr Maxx and the Droid 4. Documents referenced in this claim chart are attached as Exhibits 69 and 75.

89. Confidential Exhibit B is a claim chart demonstrating that each and every limitation of at least exemplary claims 1 and 11 of the '002 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least one other

¹² At the request of the Commission, Complainant will provide physical samples of the Representative Domestic Industry Products.

Representative Domestic Industry Product, the Droid Razr Maxx. Documents referenced in this claim chart are attached as Exhibits 68-69, 76, and 90, and Confidential Exhibits C-E.

90. Exhibit 32 is a claim chart demonstrating that each and every limitation of at least exemplary claim 51 of the '673 Patent is met by a Representative Domestic Industry Product, the Motorola Xoom Wifi running the Android 4.1 operating system ("Jelly Bean"). This claim is also met by other Motorola products running "Jelly Bean" in the near future. Documents referenced in this claim chart are attached as Exhibits 77 and 99-102.

91. Exhibit 33 is a claim chart demonstrating that each and every limitation of at least exemplary claim 50 of the '370 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least three other Representative Domestic Industry Products, the Droid Razr Maxx, the Droid 4, and the Motorola Xoom Wifi. Documents referenced in this claim chart are attached as Exhibits 69 and 75.

92. Exhibit 34 is a claim chart demonstrating that each and every limitation of at least exemplary claim 1 of the '064 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least three other Representative Domestic Industry Products, the Droid Razr Maxx, the Droid 4, and the Motorola Xoom. Documents referenced in this claim chart are attached as Exhibits 65, 69-70, and 78-84.

93. Exhibit 35 is a claim chart demonstrating that each and every limitation of at least exemplary claim 25 of the '983 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least two other Representative Domestic Industry Products, the Droid Razr Maxx and the Droid 4. Documents referenced in this claim chart are attached as Exhibits 75 and 85-87.

B. Economic Prong

94. Complainants have made substantial investments in the United States in the exploitation of the Asserted Patents. These investments include at least domestic engineering, research and development, testing, and repair and service relating to articles protected by the Asserted Patents. Mobility employs thousands of individuals in several facilities throughout the United States. *See* Conf. Exh. A. For purposes of outlining its satisfaction of the economic prong of the domestic industry requirement, Mobility has selected the following discrete domestic investments relating to the Representative Domestic Industry Products.

1. Investments Relating to Engineering and Research and Development

95. Several thousand employees in numerous U.S. facilities conduct engineering and research and development relating to wireless communications devices, including the Representative Domestic Industry Products that practice the Asserted Patents.

96. As described in Confidential Exhibit A, Mobility has made substantial investments in employees and plant and equipment to support engineering and research and development in the United States relating to the Representative Domestic Industry Products.

2. Investments Relating to Testing

97. In order to support its products and customers, Mobility has made and continues to make substantial investments in the United States to test its wireless communications devices that practice the Asserted Patents.

98. Each model of Mobility's wireless communications devices produced for the U.S. market undergoes rigorous testing in the United States by Mobility engineers or third party contractors under their direction. Mobility engineers in its facilities are responsible for a wide variety of testing, including environmental testing, mechanical testing, failure analysis testing, and laboratory testing. In addition, Mobility employees or third party contractors field test each

model of Mobility's wires communications device at multiple locations throughout the United States. Mobility's domestic investments in testing the Representative Domestic Industry Products are described in more detail in Confidential Exhibit A.

3. Investments Relating to Repair and Service

99. Mobility has made and continues to make substantial investments in the United states relating to the repair and service of Mobility's wireless communications devices that practice the Asserted Patents.

100. Employees in Mobility's facilities are responsible for overseeing the service and repair of Mobility's wireless communications devices. Confidential Exhibit A describes Mobility's expenditures relating to the service and repair of Representative Domestic Industry Products in the United States.

IX. RELIEF REQUESTED

101. Complainants respectfully request that the Commission:

(a) Institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondent's violations of that section arising from the importation into the United States, sale for importation, and/or the sale within the United States after importation of wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more claims of United States Patent Nos. 5,883,580, 5,922,047, 6,425,002, 6,493,673, 6,983,370, 7,007,064, and 7,383,983;

(b) Set a target date of no more than 15 months;

(c) Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a

violation of Section 337, and (ii) following the hearing, determining that there has been a violation of Section 337;

(d) Issue a permanent exclusion order directed to products manufactured by Respondent, its subsidiaries, related companies and agents pursuant to 19 U.S.C. § 1337(d) excluding entry into the United States of wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more claims of United States Patent Nos. 5,883,580, 5,922,047, 6,425,002, 6,493,673, 6,983,370, 7,007,064, and 7,383,983;

(e) Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting Respondent, its subsidiaries, related companies and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, sale after importation, or other transfer within the United States of wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more claims of United States Patent Nos. 5,883,580, 5,922,047, 6,425,002, 6,493,673, 6,983,370, 7,007,064, and 7,383,983;

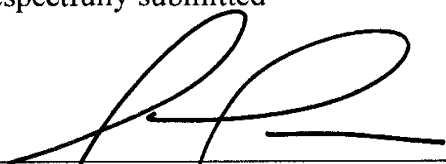
(f) Impose a bond upon importation of infringing wireless communication devices, portable music and data processing devices, computers, and components thereof during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and

(g) Issue such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the Investigation and the authority of the Commission.

DATED: August 17, 2012

Respectfully submitted

By



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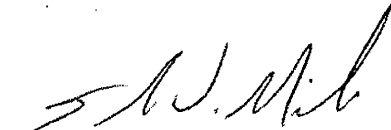
*Attorneys for Complainants
Motorola Mobility LLC, Motorola Mobility Ireland,
and Motorola Mobility International Limited*

VERIFICATION OF COMPLAINT

I, Thomas V. Miller, declare, in accordance with 19 C.F.R. § 210.12(a)(1), as follows:

1. I am Vice President of Intellectual Property of Motorola Mobility LLC and am duly authorized to sign this Complaint;
2. I have read the complaint and I am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, the claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
5. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2012, in LIBERTYVILLE, IL.



Thomas V. Miller