

EXHIBIT C

EXHIBIT C

UNITED STATES PATENT NO. 5,958,006

PRELIMINARY INFRINGEMENT CONTENTIONS¹

Accused Apple Products: MobileMe, iCloud, Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4, Apple iPhone 4S, Apple iPhone 5² (collectively, “Apple iPhones”), Apple iPad, Apple iPad with 3G, Apple iPad 2, Apple iPad 2 with 3G, 3rd Generation Apple iPad, 3rd Generation Apple iPad + 4G, 4th Generation iPad³, 4th Generation iPad [with cellular], Apple iPad mini⁴, Apple iPad mini [with cellular], 3rd Generation Apple iPod Touch, 4th Generation Apple iPod Touch, 5th Generation Apple iPod Touch⁵ (collectively, “Apple iPads” and “iPods”), Apple Mac Pro, Apple iMac, new Apple iMac⁶, Apple Mac mini, new Apple Mac

¹ Motorola Mobility's investigation is ongoing and discovery is not yet complete. Apple has, thus far, not produced all of its documents and source code relevant to the accused methods and products. Motorola reserves the right to supplement or amend these contentions based on subsequent discovery or disclosures made pursuant to FRCP 26. Motorola further reserves the right to amend and supplement its contentions with respect to any products released by Apple subsequent to the service of these initial infringement contentions, in accordance with the schedule set forth in the Court's Order of October 25, 2012. Further, to the extent Apple releases any new products with the same functionality accused of infringement in the Accused Apple Products in these contentions, Motorola reserves the right to seek appropriate relief from the court in accordance with its order of October 25, 2012 and in accordance with the Federal Rules of Civil Procedure.

² The term "Apple iPhone 5" means Apple's new iPhone announced by Apple on September 12, 2012. *See* <http://www.apple.com/pr/library/2012/09/12Apple-Introduces-iPhone-5.html>.

³ The terms "4th Generation Apple iPad" and "4th Generation Apple iPad [with cellular]" mean Apple's new iPad devices announced by Apple on October 23, 2012. *See* <http://www.apple.com/pr/library/2012/10/23Apple-Introduces-iPad-mini.html>.

⁴ The terms "Apple iPad mini" and "Apple iPad mini [with cellular]" mean Apple's new iPad mini devices announced by Apple on October 23, 2012. *See* <http://www.apple.com/pr/library/2012/10/23Apple-Introduces-iPad-mini.html>.

⁵ The term “5th Generation Apple iPod Touch” means Apple’s new iPod Touch announced by Apple on September 12, 2012. *See* <http://www.apple.com/pr/library/2012/09/12Apple-Introduces-New-iPod-touch-iPod-nano.html>.

⁶ The term "new Apple iMac" means Apple's new iMac computers announced by Apple on October 23, 2012. *See* <http://www.apple.com/pr/library/2012/10/23All-New-iMac-Features-Stunning-Design-Brilliant-Display-Faster-Performance.html>.

EXHIBIT C

mini⁷, Apple MacBook, Apple MacBook Pro, 15-inch Apple MacBook Pro with Retina Display, 13-inch Apple MacBook Pro with Retina Display⁸, Apple MacBook, and Apple MacBook Air.

Apple directly infringes the '006 patent, either literally or through the doctrine of equivalents, pursuant to 35 U.S.C. § 271(a).

In addition to Apple's direct infringement of the '006 patent through its development, testing, use, distribution and sale of its products and services, Apple also indirectly infringes the '006 patent pursuant to 35 U.S.C. § 271(b) and (c). End-users and others in the distribution channel of the Accused Apple Products directly infringe this claim by using, selling, offering for sale, and/or importing these devices into the United States. Apple contributes to and induces infringement through its promotion and provision of marketing, sale and/or technical support of the Accused Apple Products and associated services in the United States, and through the design, marketing, manufacture, sale, and/or technical support of the Accused Apple Products. Apple supplies Accused Apple 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, promotion, and user guides, which induces and results in direct infringement. Apple has known or should have known that these actions would cause direct infringement of the '006 patent and did so with specific intent to encourage direct infringement, at least as of 2007, when Apple and Motorola participated in talks regarding the licensing of Motorola's patent portfolio. On information and belief, in connection with those negotiations, Apple has reviewed said portfolio, including Motorola's '006 Patent. Moreover, Apple has known of the '006 patent since at least October 6, 2012, when Motorola filed its Complaint, attaching the '006 patent as an exhibit. Despite knowing of the '006 patent, Apple continues to make, use, offer to sell, and sell its products and has continued to circulate marketing literature and user guides encouraging users of the Accused Apple Products to infringe. Additionally, the identified features of the Accused Apple Products are material parts of the inventions of the asserted claims and have no substantial non-infringing uses.

'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹
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⁷ The term "new Apple Mac mini" means Apple's new Mac mini computers announced by Apple on October 23, 2012. See <http://www.apple.com/pr/library/2012/10/23All-New-iMac-Features-Stunning-Design-Brilliant-Display-Faster-Performance.html>.

⁸ The term "13-inch Apple MacBook Pro with Retina Display" means Apple's new 13-inch MacBook Pro computer announced by Apple on October 23, 2012. See <http://www.apple.com/pr/library/2012/10/23Apple-Introduces-13-inch-MacBook-Pro-with-Retina-Display.html>.

⁹ This chart provides Motorola's infringement analysis for the MobileMe service and/or iCloud communicating with Apple's accused products. In this claim chart, "Apple Phone" refers to Apple iPhone 3G S, Apple iPhone 3G, Apple iPhone 4, Apple iPhone 4S, Apple

EXHIBIT C

'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹
<p>12. A method of communicating data between a first data processing device and a third data processing device via a second data processing device, comprising:</p>	<p>Upon information and belief, an Apple Phone in the course of normal use with MobileMe / iCloud and an Apple Computer in the course of normal use with MobileMe / iCloud perform each and every step of this claim. Additionally, a user of an Apple Phone or an Apple Computer will performs each and every step of this claim in the course of such use.</p> <p>Upon information and belief, Apple Phones and Apple Computers perform a method of communicating data between a first data processing device (MobileMe / iCloud host server) and a third data processing device (Apple Phone) via a second processing device (MobileMe / iCloud communication server).</p>

iPhone 5, Apple iPad, Apple iPad with 3G, Apple iPad 2, Apple iPad 2 with 3G, 3rd Generation Apple iPad, 3rd Generation Apple iPad + 4G, 4th Generation Apple iPad, 4th Generation Apple iPad [with cellular], Apple iPad mini, 3rd Generation Apple iPod Touch, 4th Generation Apple iPod Touch, and 5th Generation Apple iPod Touch; "Apple Computer" refers to Apple MacBook, Apple MacBook Pro, 15-inch Apple MacBook Pro with Retina Display, 13-inch Apple MacBook Pro with Retina Display, Apple MacBook Air, Apple iMac, new Apple iMac, Apple Mac Mini, new Apple Mac Mini, and Apple Mac Pro. Upon information and belief, the analysis set forth in this chart for "Apple Phone" applies equally to all Apple Phones using Apple's MobileMe and/or iCloud service; and, upon information and belief, the analysis set forth in this chart for "Apple Computer" applies equally to all Apple Computers using Apple's MobileMe and/or iCloud service.

EXHIBIT C

<p>'006 Patent Claim</p>	<p>Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹</p>
	<div data-bbox="531 334 1098 467"><h2>Mail, Contacts, and Calendar</h2></div> <div data-bbox="531 521 1146 781"><p>MobileMe keeps your mail, contacts, and calendar information in the cloud and uses push technology to keep everything in sync across your iPhone, iPad, Mac, PC, and the web automatically. So no matter where you go or what device you use, all your information is up to date — no docking required.</p></div> <div data-bbox="531 857 1152 1102"><p>Push email, push contacts, push calendar. Watch the QuickTour</p></div> <div data-bbox="1192 337 1875 1065"></div> <p>MobileMe Features, (http://www.apple.com/mobileme/features/), accessed May 13, 2011, MOTO-APPLE-0006037953_127187.</p> <p>See What is Mac OS X – Mail, iCal, Address Book, (http://www.apple.com/macosx/what-is-macosx/mail-ical-address-book.html), accessed May 14, 2011, MOTO-APPLE-0006037953_127173-74:</p>

EXHIBIT C

'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud; ⁹
	<div data-bbox="520 345 821 451"></div> <h2 data-bbox="520 456 1096 505">Mail, iCal, Address Book</h2> <p data-bbox="520 532 1073 760">Three built-in applications that work as one: Mail, iCal, and Address Book bring the power of Mac OS X to your email, calendar, and contacts. You get elegant, easy-to-use interfaces, lightning-fast searches, and complete integration across the applications and your Mac.</p> <div data-bbox="766 755 1096 816"></div> <h3 data-bbox="1129 391 1434 423">Syncing included.</h3> <p data-bbox="1129 443 1738 781">Part of what makes Address Book and iCal so powerful is seamless syncing. They can sync the contact and calendar information on your Mac with your iPhone or other mobile phone, PDA, or iPod touch, so it follows you everywhere. And with a MobileMe account,² your contacts and calendars stay up to date wirelessly across multiple Mac computers, iPhone, iPod touch, and the web, so you can access your information from any device with an Internet connection.</p> <div data-bbox="1633 399 1738 505"></div> <p data-bbox="485 837 1829 902"><i>See also iPhone Features, (http://www.apple.com/iphone/features/mail.html), accessed on May 14, 2011, MOTO-APPLE-0006037953_126650-50:</i></p>

EXHIBIT C


'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud; ⁹
	<p data-bbox="531 451 806 475">Have email, will travel.</p> <p data-bbox="531 488 905 873">With Mail on iPhone 4, wherever you go, your email goes too. iPhone works with popular email providers including MobileMe, Yahoo! Mail, Gmail, and AOL — and most industry-standard IMAP and POP mail systems. Add multiple email accounts and move between them easily. iPhone also supports multiple Microsoft Exchange ActiveSync accounts for business use. So even when you're on the go, you can send and receive email. And if you need it in hard copy, AirPrint lets you print messages and attachments with just a few taps."</p>  <p data-bbox="508 1097 968 1130">Find the hidden message.</p> <p data-bbox="508 1149 1041 1349">Search your email by subject, sender, and recipient. Even search for messages and contacts that aren't stored on your iPhone. Search can find them on your remote email server.</p>

EXHIBIT C

<p>'006 Patent Claim</p>	<p>Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹</p>
	<p><i>See also</i>, iCloud – Calendar, Mail, and Contacts, http://www.apple.com/icloud/features/calendar-mail-contacts.html, accessed on October 27, 2011:</p> <div data-bbox="569 435 846 558" data-label="Image"> <p>Mail</p> </div> <p>Mail that delivers. Free.</p> <p>When you set up iCloud, you get a free me.com email account. iCloud automatically pushes new email messages to all your devices, so your inbox is up to date everywhere you check it. And iCloud keeps all your folders in sync, no matter which device you're using.</p> <p><i>See also</i>, Apple devices with iOS 6 – iPhone User Guide For iOS 6 Software, p. 15 (http://manuals.info.apple.com/en/iphone_user_guide.pdf), accessed on 11/06/2012, MOTO-SDFL-0000016147:</p> <p>iCloud</p> <p>iCloud stores your content, including music, photos, contacts, calendars, and supported documents. Content stored in iCloud is pushed wirelessly to your other iOS devices and computers set up with the same iCloud account.</p> <p>In addition, through its design of the Apple Phones and Apple Computers, Apple also induced users of the Accused Apple Products to infringe the '006 patent. Apple and Motorola have been in talks since 2007 regarding the licensing of Motorola's patent portfolio, and, on information and belief, in accordance with those negotiations, Apple has reviewed said portfolio, including Motorola's '006 Patent. Thus, at least as early as 2007, Apple knew or should have known its actions would induce actual infringement and possessed specific intent to encourage its customers' direct infringement through the design of the Apple Phones and Apple Computers. In addition, Apple instructs the users of the Apple Phones and Apple Computers to use</p>

EXHIBIT C


<p>'006 Patent Claim</p>	<p>Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹</p>
	<p>them in an infringing manner, including but not limited to by describing infringing uses in its advertisements, promotional materials, labels, and user manuals. <i>See, e.g.</i> MobileMe Help, (http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html), accessed May 5, 2011, MOTO-APPLE-0006037953_127204:</p> <ul style="list-style-type: none"> ■ To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done. <p>When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.</p> <p>Moreover, Apple also contributes to the infringement of the '006 patent by users of the devices. As indicated above, at least as early as 2007, Apple knew that offering to sell or selling the Apple Phones and Apple Computers would contribute to direct infringement of the '006 Patent. Apple knew that the Apple Phones and Apple Computers contain a specific software component for storing information on filtered data units, a component with no substantial non-infringing use, that could be combined with Apple's MobileMe / iCloud service, and that this combination, for which the component was especially made, was both patented and infringing. Moreover, Apple Phones and Apple Computers users have, in fact, combined these components into an infringing device. Apple further contributes to the direct infringement of the users of the Apple Phones and Apple Computers, including but not limited to by describing infringing combinations in its advertisements, promotional materials, and user manuals. <i>See, e.g.</i> MobileMe Help, (http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html), accessed May 5, 2011, MOTO-APPLE-0006037953_127204:</p>

EXHIBIT C

<p>'006 Patent Claim</p>	<p>Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹</p>
	<ul style="list-style-type: none"> ■ To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done. <p>When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.</p>
<p>(a) at the second data processing device, controlling communication of qualifying and non-qualifying data units from the first data processing device to the third data processing device including</p>	<p>Upon information and belief, the MobileMe communication server (second data processing device) controls communication of non-HTML images (qualifying data units) and HTML images (non-qualifying data units) from the MobileMe host server (first data processing device) to an Apple Phone or an Apple Computer (third data processing device).</p> <p><i>See Screenshot of raw data from a MobileMe indicating MobileMe is a communication server, taken on May 10, 2011, MOTO-APPLE-0006037953_127175 (highlighting added):</i></p>

EXHIBIT C

‘006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud; ⁹
	<p>Return-path: <return_smverp_1232082537.1088744.DATABASEID.1169284.929109887.158307_smverp_XXXXXX=mac.com@ab.mm.ticketmaster.com> Received: from smtpin138.mac.com ([10.150.68.138]) by ms02034.mac.com (Oracle Communications Messaging Exchange Server 7u4-21.01 64bit (built Feb 16 2011)) with ESMTD id <0LL0008HF8ZC8P80@ms02034.mac.com> for XXXXXXXX@mac.com; Wed, 11 May 2011 00:21:12 +0000 (GMT) Original-recipient: rfc822;XXXXXXXXXX Received: from sms1-els204-94.mm.ticketmaster.com ([209.104.36.94]) by smtpin138.mac.com (Sun Java(tm) System Messaging Server 7u3-16.01 64bit (built May 20 2010)) with ESMTD id <0LL000B1F8Z21W20@smtpin138.mac.com> for XXXXXXXX@mac.com (ORCPT XXXXXXXX@mac.com); Tue, 10 May 2011 17:21:12 -0700 (PDT) X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:5.2.15,1.0.148,0.0.0000 definitions=2011-05-10_13:2011-05-11,2011-05-10,1970-01-01 signatures=0 X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 ipscore=0 suspectscore=62 phishscore=0 bulkscore=100 adultscore=0 classifier=spam adjust=0 reason=mlx engine=6.0.2-1012030000 definitions=main-1105100173 Received: from sms1.mm.els204.clisys.tmc ([10.75.20.63]) by sms1-els204-94.mm.ticketmaster.com (StrongMail Enterprise 3.2.3(3.00.316)) ; Tue, 10 May 2011 17:21:11 -0700 X-VirtualServer: Default, sms1-els204-94.mm.ticketmaster.com, 10.75.20.62 X-VirtualServerGroup: Default X-Destination-ID: XXXXXXXX@mac.com X-MailingID: 1232082537::1088744::DATABASEID::1169284::929109887::158307 X-SMHeaderMap: mid="X-MailingID" X-SMFBLL: aw5mb19maWVuZEBtYWMuY29t X-Mailer: StrongMail Enterprise 3.2.3(3.00.316) Content-type: multipart/alternative; boundary="-----_NextPart_001_AEA6_74B0DC51.19495CFF" MIME-version: 1.0 Message-id: <1232082537.158307@BOWERYBALLROOM.COM> Subject: =?UTF-8?B?U291bmrNvYXJkZW4sIEJvb1BjdmVvLCB0CzW4gSGFycGVyICVgbW9yZSBvb1BzYWMxIHRoaXNmd2Vlay4=?= Date: Tue, 10 May 2011 17:21:11 -0700 To: XXXXXXXX@mac.com From: =?UTF-8?B?VGhlIEJvd2VyeSBQcmVzZW50cw==?= <INFO@BOWERYBALLROOM.COM></p> <p><i>See also</i> iCloud: How spam is filtered, http://support.apple.com/kb/HT4899, accessed October 27, 2011:</p> <p>iCloud automatic spam filtering To minimize spam for iCloud customers, iCloud Mail automatically detects spam before it reaches your Inbox. Spam prevention requires filtering mechanisms that include dynamic lists, trend analysis, and content filtering.</p> <p><i>See also</i>, iCloud: Filter email automatically, http://support.apple.com/kb/PH2650, accessed on 11/06/2012, MOTO-SDFL-0000016146:</p>

EXHIBIT C

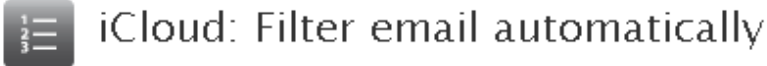

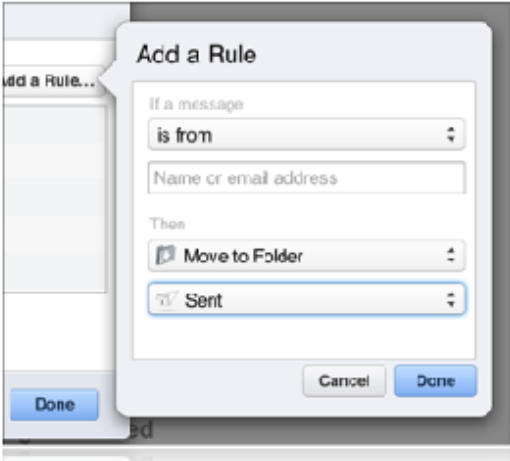
'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud; ⁹
	 <h3>iCloud: Filter email automatically</h3> <p>You can set up rules to automatically filter incoming email messages or reorganize email messages you've already received. For example, you can create a rule that forwards certain email messages to a specific email address. You can later edit and delete these rules as desired.</p> <p>Set up rules to filter email</p> <ol style="list-style-type: none">1. In iCloud Mail, choose Rules from the Action pop-up menu  at the top of the window.2. Click "Add a Rule."3. Use the menus and text fields to specify the filtering conditions, and click Done. 

EXHIBIT C

‘006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud; ⁹
<p>receiving individually filtered data units from the first data processing device based on at least one user-definable filter parameters to identify whether a data unit is a qualifying or non-qualifying data unit,</p>	<p>Upon information and belief, the MobileMe / iCloud communication server receives individually filtered data units from the MobileMe / iCloud host server (the first data processing device) based on at least whether the data unit is a HTML image (a user-definable filter parameter) to identify whether a data unit is a qualifying or non-qualifying data unit. The user of an Apple Phone can select which mailboxes (and which folders within those mailboxes) are synched to the device. In addition, the user of an Apple Phone can select how many emails should be downloaded to the device, and the user of an Apple Phone can select not to load remote HTML images. MobileMe / iCloud receives any and all of these user-selected criteria previously prepared at the Apple Phone, which are, when completed, sent to the MobileMe / iCloud communication server.</p> <p>For example, when used with an Apple Phone, this is performed by the MobileMe / iCloud communication server when the "load remote images" setting is set to "off" in the Apple Phone Settings App:</p>

EXHIBIT C

'006 Patent Claim **Representative Apple Products:** **Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹**

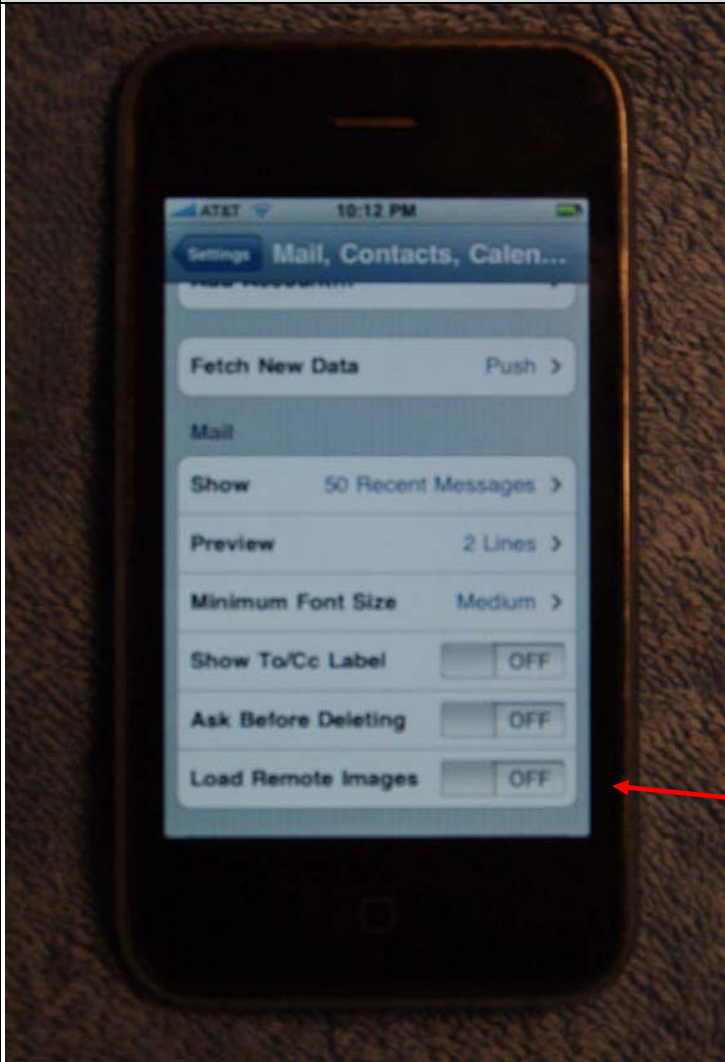


Photo of Apple iPhone showing option to load remote images, taken June 29, 2010, MOTO-APPLE-0006037953_127176 (arrow added).

EXHIBIT C

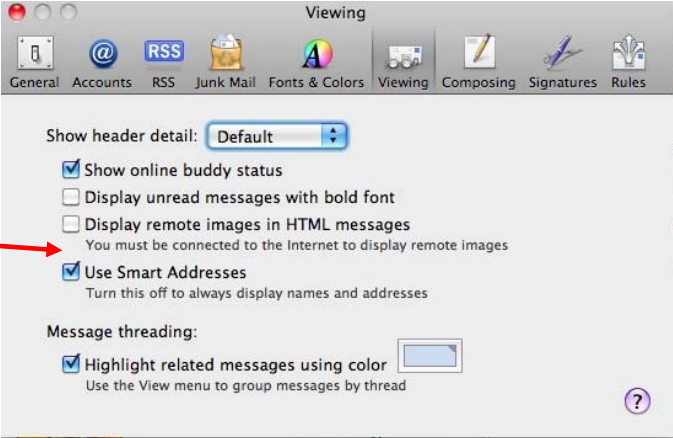
'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹
	<p>When used with an Apple Computer, this is performed by the MobileMe / iCloud communication server when (1) the "Display remote images in HTML messages" setting is not selected in the Mail App of Apple's OS X operating system or (2) the "Load images in HTML messages" setting is not selected in the Preferences section of the MobileMe web application:</p>  <p>The screenshot shows the 'Viewing' preferences pane in the Mail application. The 'Display remote images in HTML messages' checkbox is unchecked, and a red arrow points to it. Other settings include 'Show online buddy status' (checked), 'Display unread messages with bold font' (unchecked), 'Use Smart Addresses' (checked), and 'Highlight related messages using color' (checked). The pane also includes a 'Show header detail' dropdown menu set to 'Default' and a 'Message threading' section.</p>

EXHIBIT C

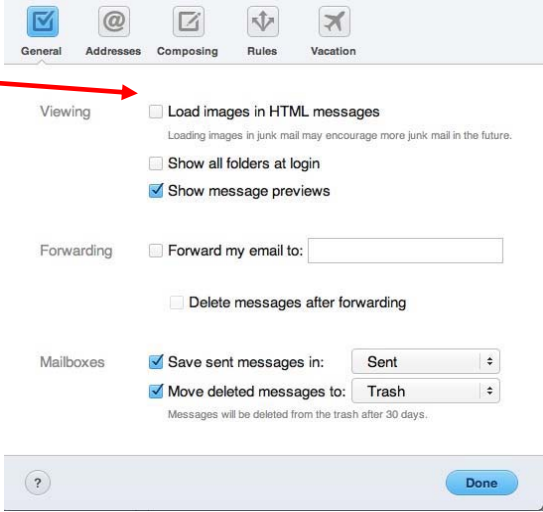
'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud; ⁹
	 <p>The screenshot shows the 'General' settings pane in Apple Mail. At the top, there are icons for General, Addresses, Composing, Rules, and Vacation. Below these, the 'Viewing' section contains three options: 'Load images in HTML messages' (unchecked), 'Show all folders at login' (unchecked), and 'Show message previews' (checked). A red arrow points to the 'Load images in HTML messages' checkbox. The 'Forwarding' section has 'Forward my email to:' (unchecked) and 'Delete messages after forwarding' (unchecked). The 'Mailboxes' section has 'Save sent messages in:' (checked, set to 'Sent') and 'Move deleted messages to:' (checked, set to 'Trash'). A 'Done' button is at the bottom right of the settings pane.</p> <p>Screenshots of Apple Computer showing options to display images in HTML messages, taken May 12, 2011, MOTO-APPLE-0006037953_127177-78 (arrows added).</p> <p>See also, Apple devices with iOS 6 – iPhone User Guide For iOS 6 Software, p. 51 (http://manuals.info.apple.com/en/iphone_user_guide.pdf—accessed on 10/31/2012); accessed on 11/06/2012, MOTO-SDFL-0000016183</p> <p>Prevent downloading remote images: Go to Settings > Mail, Contacts, Calendars, then turn Load Remote Images on or off.</p> <p>See also MobileMe Help, (http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html), accessed May 5, 2011, MOTO-APPLE-0006037953_127204:</p>

EXHIBIT C


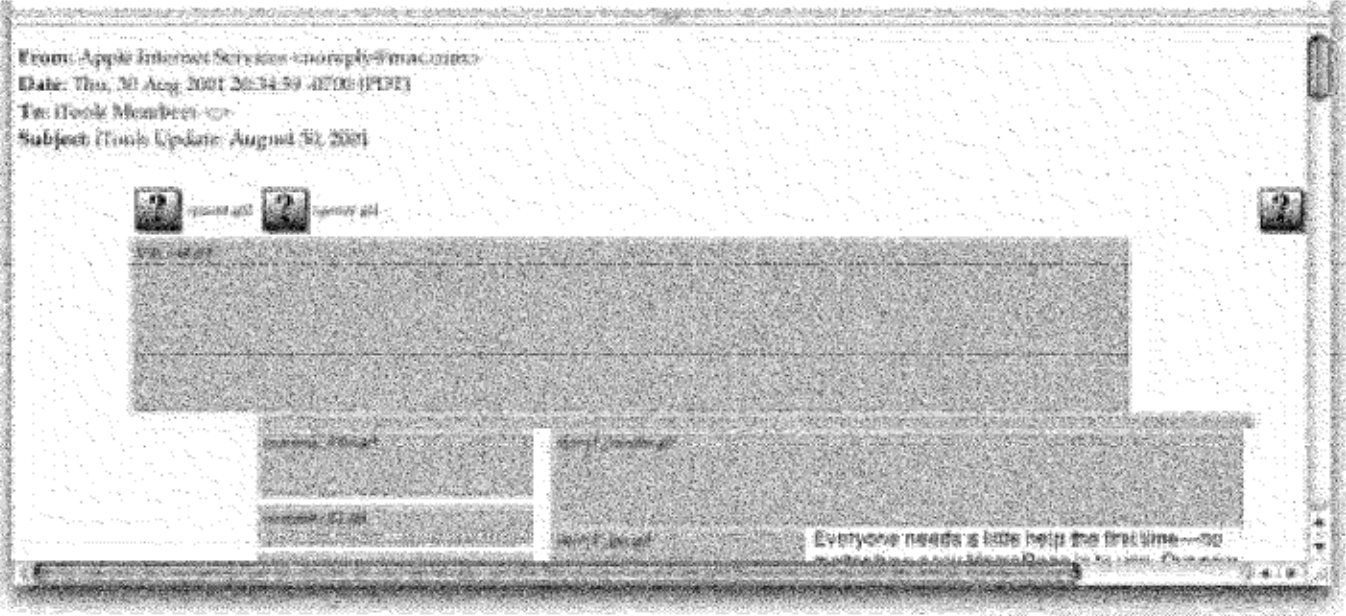
<p>'006 Patent Claim</p>	<p>Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹</p>
	<ul style="list-style-type: none"> ■ To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done. <p>When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.</p> <p><i>See also 745-Apple0783686-786 at -717:</i></p> <p>Mail is capable of displaying images, animations and other HTML components. You can specify whether or not Mail will download these items to your machine to display the message. The default is to have them downloaded. However, if you are concerned that an HTML message may contain content that would compromise the security of your computer or the privacy of your email account, then you should choose to deselect this option. Below is an example of what an HTML message looks like with this preference turned off.</p> 

EXHIBIT C


<p>'006 Patent Claim</p>	<p>Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹</p>
	<p>The same page with the HTML preference on (the default) looks like this:</p>  <p>The screenshot shows an email interface. The header contains the following text: 'From: Apple Internet Services <appleply@mac.com>', 'Date: Thu, 30 Aug 2001 20:34:59 -0700 (PDT)', 'To: iTools Members <>', and 'Subject: iTools Update: August 30, 2001'. The main body of the email is an HTML page titled 'iTools Update' dated 'August 30, 2001'. It features the Apple logo, a navigation bar with links for 'www.apple.com', 'Open Your iDisk', 'Create a HomePage', and 'Send an iCard'. The main content area has a section titled 'Inside' with a list of links: 'Head Start on HomePage', 'Featured Artist', and 'Free Software'. A large heading reads 'Head Start on HomePage', followed by a paragraph: 'Everyone needs a little help the first time—no matter how easy HomePage is to use. Our new step-by-step instructions walk you through creating your first online photo album, so you can show your family and friends the photos of your new house, your kayaking trip in Mexico.' There is also a small image of a computer screen showing a photo album interface.</p>
<p>wherein for qualifying data units, an identifying information part and an additional part is received and for non-qualifying data units, the identifying</p>	<p>Upon information and belief, for non-HTML images (qualifying data units), the date, subject, sender, etc. (identifying information parts) and the non-HTML images in the email content (the additional part) is received by MobileMe's / iCloud's communication server.</p> <p>For HTML images (non-qualifying data units), the date, subject, sender, etc. (the identifying information parts) without the HTML images (the additional part) are received:</p>

EXHIBIT C


'006 Patent Claim	Representative Apple Products: Apple Phone and/or Apple Computer communicating over MobileMe / iCloud;⁹
information part without the additional part is received,	<ul style="list-style-type: none">■ To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done. <p>When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.</p> <p>MobileMe Help, (http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html), accessed May 5, 2011, MOTO-APPLE-0006037953_127204.</p>

EXHIBIT C


<p>and providing the third data processing device with the identifying information part and the additional part for qualifying data units and providing the third data processing device with the identifying information part without the additional part for non-qualifying data units.</p>	<p>Upon information and belief, MobileMe's / iCloud's communication server provides an Apple Phone and/or an Apple Computer (the third data processing device) with the date, subject, sender, etc. (the identifying information part) and the non-HTML images in the email content (the additional part) for qualifying data units and provides the Apple Phone and/or an Apple Computer with the identifying information part without the HTML images (the additional part) for non-qualifying data units.</p> <p>See MobileMe Help, (http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html), accessed May 5, 2011, MOTO-APPLE-0006037953_127204:</p> <ul style="list-style-type: none">■ To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done. <p>When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.</p> <p>See also 745-Apple0783686-786 at -717:</p> <p>Mail is capable of displaying images, animations and other HTML components. You can specify whether or not Mail will download these items to your machine to display the message. The default is to have them downloaded. However, if you are concerned that an HTML message may contain content that would compromise the security of your computer or the privacy of your email account, then you should choose to deselect this option. Below is an example of what an HTML message looks like with this preference turned off.</p>
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EXHIBIT C

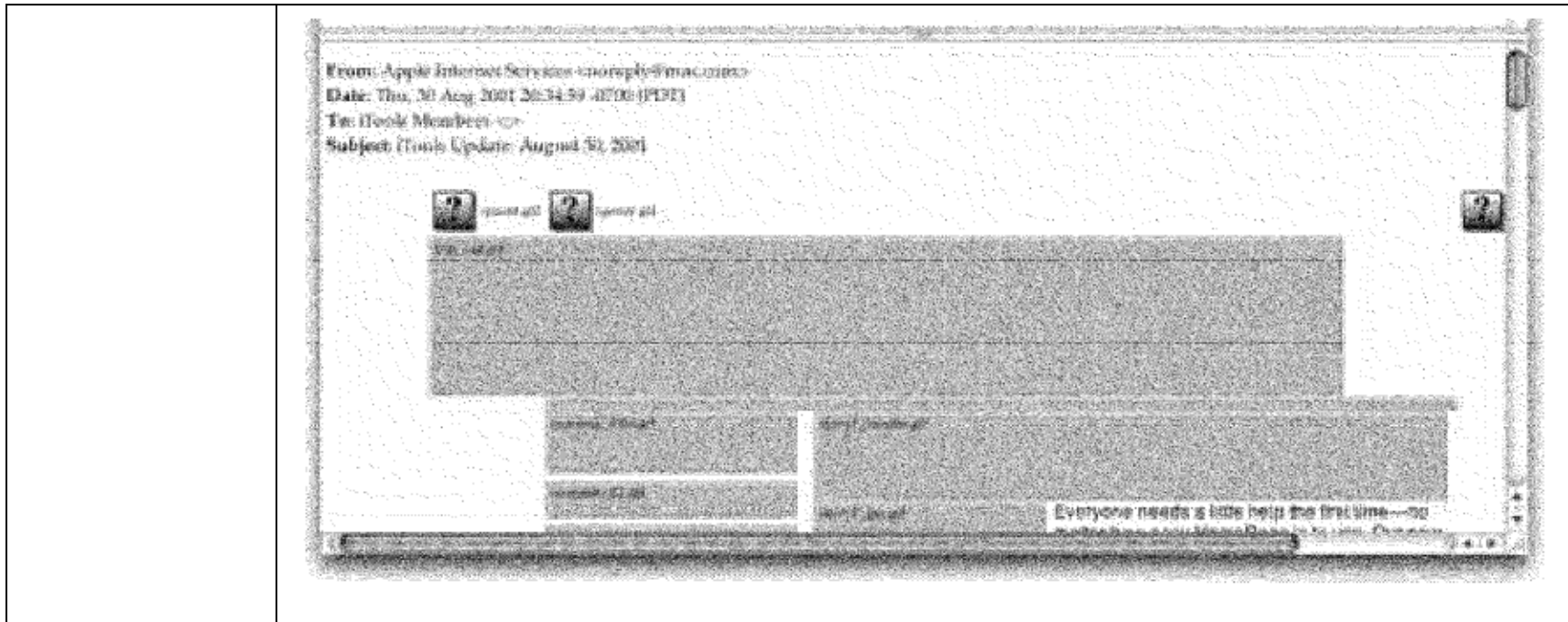


EXHIBIT C

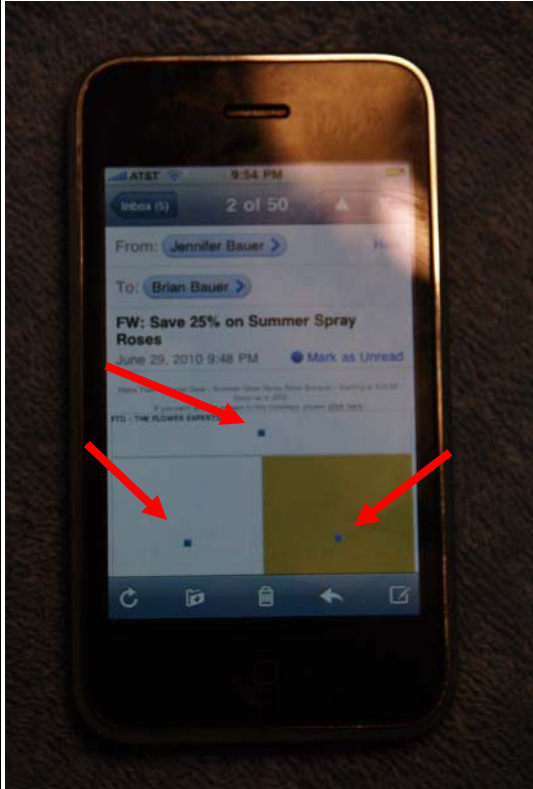
The same page with the HTML preference on (the default) looks like this:



See also Picture of the iPhone showing identifying information (including location in the email) about the .html that was not sent from the MobileMe service to an Apple Phone, taken May 12, 2011, MOTO-APPLE-0006037953_127179 (arrows added); Picture of an Apple Computer showing identifying information (including location in the email) about the .html that was not sent from the MobileMe service to an Apple Computer via the Mail.App in OS X, taken May 12, 2011, MOTO-APPLE-0006037953_127180 (arrows added); Picture of an Apple Computer showing identifying information (including location in the email) about the .html that was not sent from the MobileMe service to an Apple Computer via the MobileMe web application, taken May 12, 2011, MOTO-APPLE-0006037953_127181 (arrows added):

EXHIBIT C

Apple iPhone



Apple Computer via Mail.App

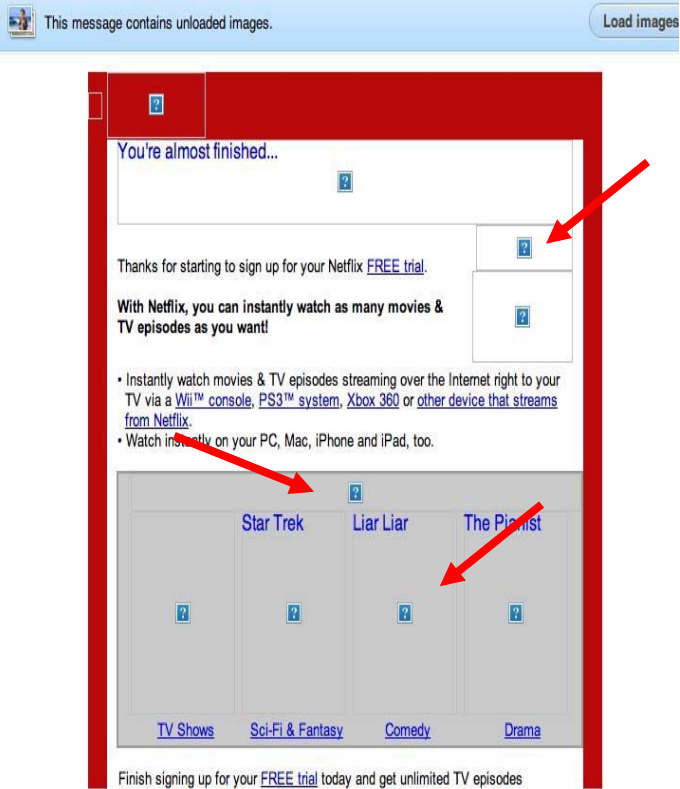
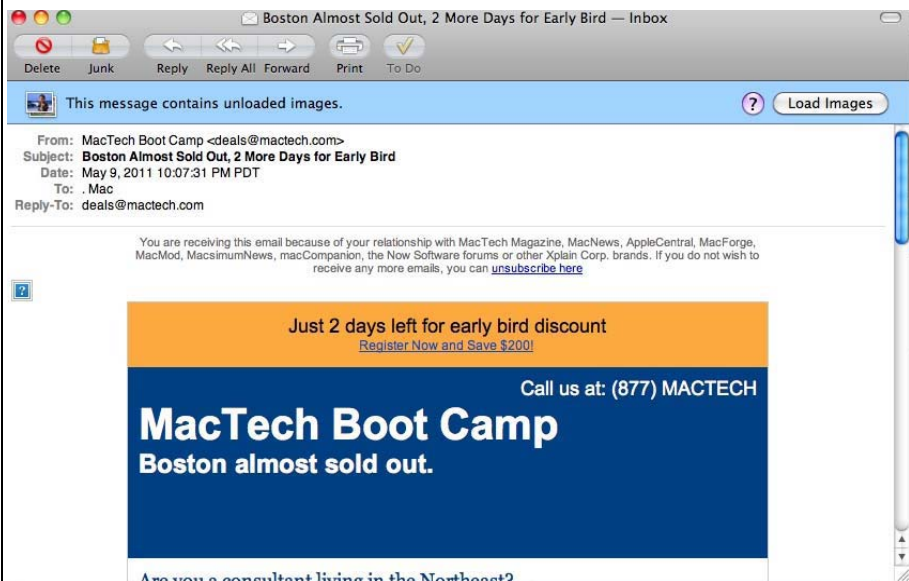


EXHIBIT C

Apple Computer via MobileMe web application



See also, Apple devices with iOS 6 – iPhone User Guide For iOS 6 Software, p. 51 (http://manuals.info.apple.com/en/iphone_user_guide.pdf—accessed on 10/31/2012)

Prevent downloading remote images: Go to Settings > Mail, Contacts, Calendars, then turn Load Remote Images on or off.

26. A controller of a communication unit adapted for requesting data over a wireless communication channel from a further data processing host via a

Upon information and belief, Apple sells, offers for sale, manufactures, imports, and uses Apple Phones and Apple Computers, and Apple induces its customers to purchase and use Apple Phones and Apple Computers, which contain a controller and are communication units adapted for requesting data over a wireless communication channel from a further data processing host via a communication server, e.g., the MobileMe / iCloud communication server.

See Screenshot of raw data from a MobileMe indicating MobileMe is a communication server, taken on May 10, 2011, MOTO-APPLE-0006037953_127175 (highlighting added):

EXHIBIT C

<p>communication server, the controller comprising:</p>	<pre> Return-path: <return_smverp_1232082537.1088744.DATABASEID.1169284.929109887.158307_smverp_XXXXXX=mac.com@ab.mm.ticketmaster.com> Received: from smtpin138.mac.com ([10.150.68.138]) by ms02034.mac.com (Oracle Communications Messaging Exchange Server 7u4-21.01 64bit (built Feb 16 2011)) with ESMTD id <0LL0008HF8ZC8P80@ms02034.mac.com> for XXXXXXXX@mac.com; Wed, 11 May 2011 00:21:12 +0000 (GMT) Original-recipient: rfc822;XXXXXXXXX Received: from sms1-els204-94.mm.ticketmaster.com ([209.104.36.94]) by smtpin138.mac.com (Sun Java(tm) System Messaging Server 7u3- 16.01 64bit (built May 20 2010)) with ESMTD id <0LL000B1F8Z21W20@smtpin138.mac.com> for XXXXXXXX@mac.com (ORCPT XXXXXXXX@mac.com); Tue, 10 May 2011 17:21:12 -0700 (PDT) X-Proofpoint-Virus-Version: vendor=fsecure engine=2.50.10432:5.2.15,1.0.148,0.0.0000 definitions=2011-05-10_13:2011-05-11,2011-05-10,1970-01-01 signatures=0 X-Proofpoint-Spam-Details: rule=notspam policy=default score=0 spamscore=0 ipscore=0 suspectscore=62 phishscore=0 bulkscore=100 adultscore=0 classifier=spam adjust=0 reason=mlx engine=6.0.2-1012030000 definitions=main-1105100173 Received: from sms1.mm.els204.clisys.tmc ([10.75.20.63]) by sms1-els204-94.mm.ticketmaster.com (StrongMail Enterprise 3.2.3(3.00.316)) ; Tue, 10 May 2011 17:21:11 -0700 X-VirtualServer: Default, sms1-els204-94.mm.ticketmaster.com, 10.75.20.62 X-VirtualServerGroup: Default X-Destination-ID: XXXXXXXX@mac.com X-MailingID: 1232082537::1088744::DATABASEID::1169284::929109887::158307 X-SMHeaderMap: mid="X-MailingID" X-SMFBL: aW5mb19maWVuZEBtYWMuY29t X-Mailer: StrongMail Enterprise 3.2.3(3.00.316) Content-type: multipart/alternative; boundary="----_NextPart_001_AEA6_74B0DC51.19495CFF" MIME-version: 1.0 Message-id: <1232082537.158307@BOWERYBALLROOM.COM> Subject: =?UTF-8?B?U291bmrnYXJkZW4sIEJvbiBJdmVyLCBCZW4gSGFycGVyICYgbW9yZSBvbiBzYWxlIHRoaXMgd2Vlay4=?= Date: Tue, 10 May 2011 17:21:11 -0700 To: XXXXXXXX@mac.com From: =?UTF-8?B?VGh1IEJvd2VyeSBQcmVzZW50cw==?= <INFO@BOWERYBALLROOM.COM> </pre> <p>Apple Phones and Apple Computers (communication unit) include a controller adapted for requesting data over a wireless communication channel from the MobileMe / iCloud host via the MobileMe / iCloud communications server.</p> <p>See also What is IMAP and Why Do We Use It?, (http://www.apple.com/mobileme/news/2008/11/what-is-imap-and-why-do-we-use-it.html), accessed May 13, 2011, MOTO-APPLE-0006037953_126673:</p>
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EXHIBIT C

November 5, 2008

What is IMAP and Why Do We Use It?

There aren't many industry acronyms it helps to know about, but IMAP is one of them. The words the letters stand for, Internet Message Access Protocol, don't exactly cause the heart to leap, but the protocol itself defines a promise that matters a lot to anyone who handles their mail from more than one location. The promise boils down to this: whenever you go to your inbox and other folders, no matter from where, things will be exactly as you last left them, no matter from where. And that's why we use it for MobileMe email accounts.



The protocol puts what's on the cloud (server) in charge. It lets you access your account and work with it locally from a variety of places via different applications. But it insists that the master copy be kept on the server and that all changes be recorded there, so that each new log-in produces the inbox and folder contents you expect to see. In the other standard messaging protocol, POP, the local copy is primary, and when you access your mail it is generally removed from the server after being copied down to your local inbox. If you access your messages from more than one place, life can get confusing--a message you want to read on the road might have already been downloaded to a different computer or a filing change you make at work won't be reflected back at home.

With an IMAP account things just work the way you'd expect from the way they look, so you don't have to think about it. It's got the possibility of "mobile" built into its core. If you haven't set up your computer, iPhone, or iPod touch with your MobileMe IMAP account yet, check out these instructions.

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

Mail, Contacts, and Calendar


MobileMe keeps your mail, contacts, and calendar information in the cloud and uses push technology to keep everything in sync across your iPhone, iPad, Mac, PC, and the web automatically. So no matter where you go or what device you use, all your information is up to date — no docking required.



In addition, through its design of the Apple Phones and Apple Computers, Apple also induced users of the Accused Apple Products to infringe the '006 patent. Apple and Motorola have been in talks since 2007 regarding the licensing of Motorola's patent portfolio, and, on information and belief, in accordance with those negotiations, Apple has reviewed said portfolio, including Motorola's '006 Patent. Thus, at least as early as 2007, Apple knew or should have known its actions would induce actual infringement and possessed specific intent to encourage its customers' direct infringement through the design of the Apple Phones and Apple Computers. In addition, Apple instructs the users of the Apple Phones and Apple Computers to use them in an infringing manner, including but not limited to by describing infringing uses in its advertisements, promotional materials, labels, and user manuals. *See, e.g.* MobileMe Help,


EXHIBIT C

(<http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html>), accessed May 5, 2011, MOTO-APPLE-0006037953_127204:

- To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done.

When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.

Moreover, Apple also contributes to the infringement of the '006 patent by users of the devices. As indicated above, at least as early as 2007, Apple knew that offering to sell or selling the Apple Phones and Apple Computers would contribute to direct infringement of the '006 Patent. Apple knew that the Apple Phones and Apple Computers contain a specific software component for storing information on filtered data units in a summary store, a component with no substantial non-infringing use, that could be combined with Apple's MobileMe / iCloud service, and that this combination, for which the component was especially made, was both patented and infringing. Moreover, Apple Phones and Apple Computers users have, in fact, combined these components into an infringing device. Apple further contributes to the direct infringement of the users of the Apple Phones and Apple Computers, including but not limited to by describing infringing combinations in its advertisements, promotional materials, and user manuals. *See, e.g.* MobileMe Help, (<http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html>), accessed May 5, 2011, MOTO-APPLE-0006037953_127204:

- To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done.

When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.

See also, iCloud – Calendar, Mail, and Contacts, <http://www.apple.com/icloud/features/calendar-mail-contacts.html>, accessed on October 27, 2011:

EXHIBIT C



Mail

Mail that delivers. Free.

When you set up iCloud, you get a free me.com email account. iCloud automatically pushes new email messages to all your devices, so your inbox is up to date everywhere you check it. And iCloud keeps all your folders in sync, no matter which device you're using.

See also, iCloud: Filter email automatically, <http://support.apple.com/kb/PH2650>, accessed on 11/06/2012, MOTO-SDFL-0000016146, :

EXHIBIT C

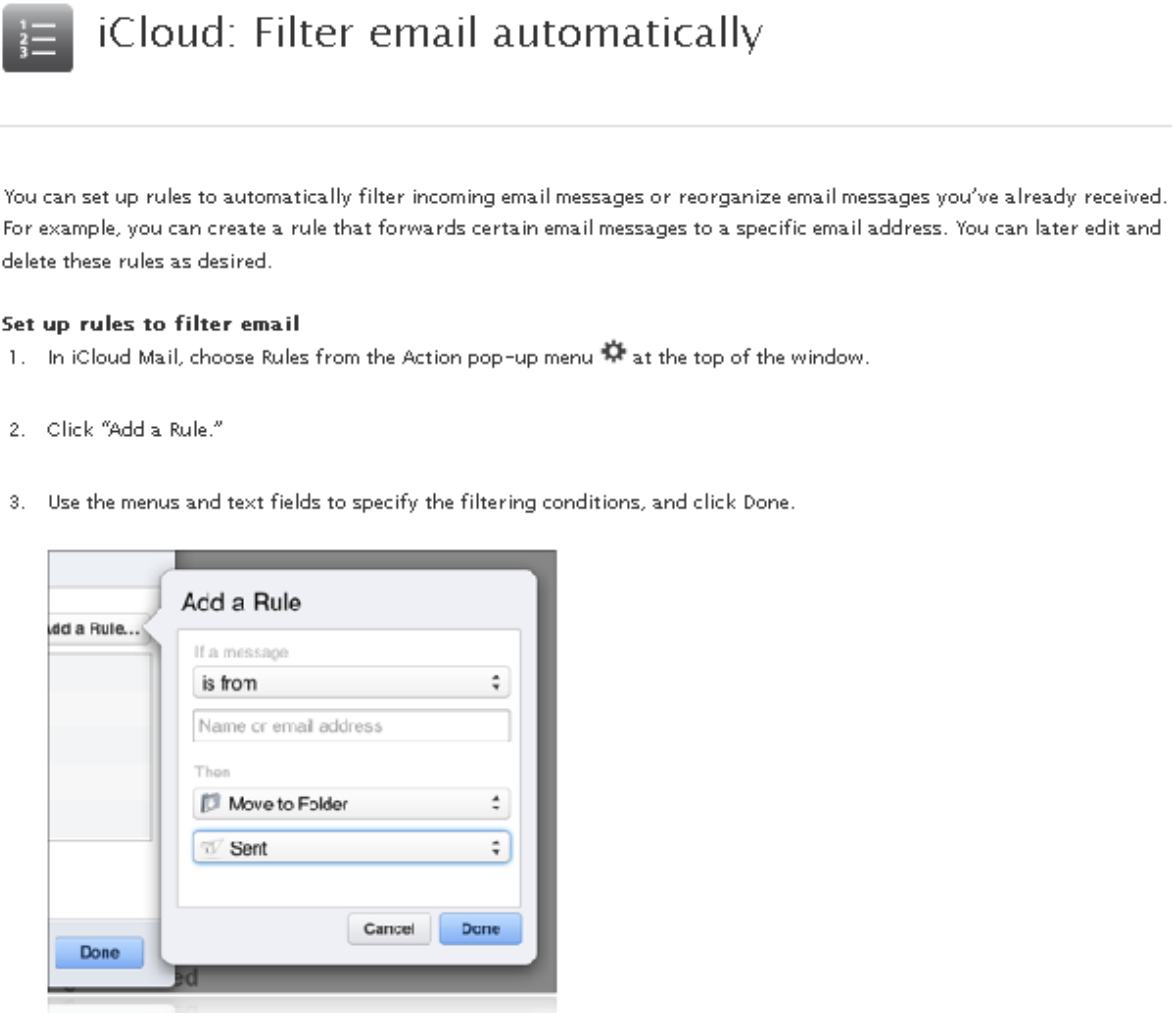

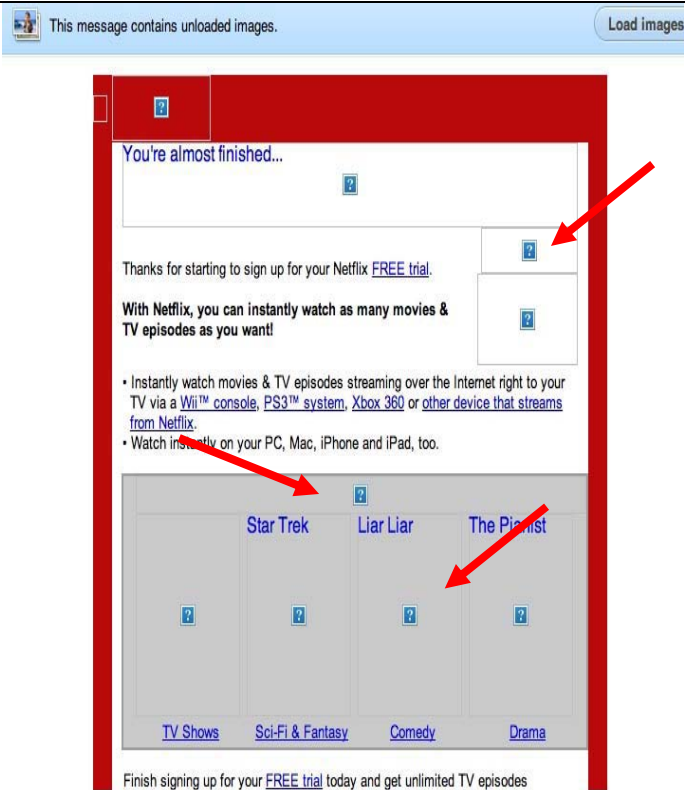
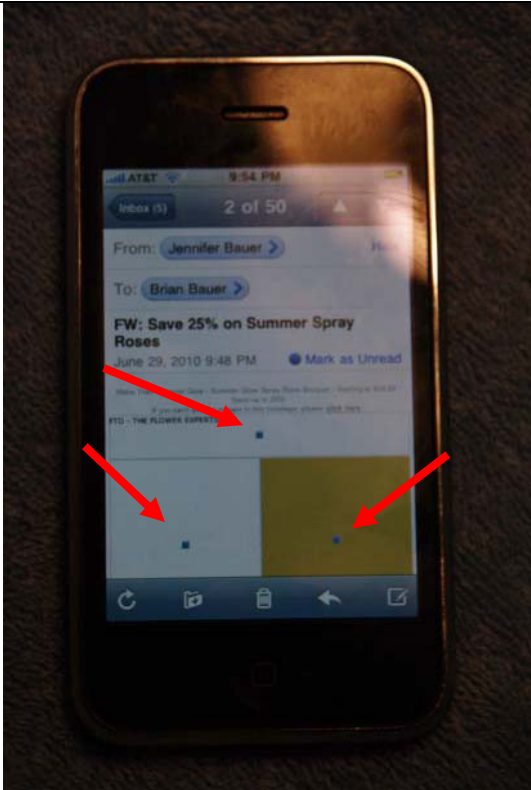
	 <h3>iCloud: Filter email automatically</h3> <p>You can set up rules to automatically filter incoming email messages or reorganize email messages you've already received. For example, you can create a rule that forwards certain email messages to a specific email address. You can later edit and delete these rules as desired.</p> <p>Set up rules to filter email</p> <ol style="list-style-type: none">1. In iCloud Mail, choose Rules from the Action pop-up menu  at the top of the window.2. Click "Add a Rule."3. Use the menus and text fields to specify the filtering conditions, and click Done.
<p>(a) a summary store to store identifying information received from the host via the communications</p>	<p>Upon information and belief, Apple Phones and/or Apple Computers contain a summary store that stores the date, subject, sender, etc. (the identifying information) received from host (e.g., MobileMe's / iCloud's host server) via MobileMe's / iCloud's communication server about HTML images (the data units not sent from the host) to the Apple Phone and/or Apple Computer (the communication unit) and not received by the Apple Phone and/or Apple Computer .</p>

EXHIBIT C

<p>server about data units not sent from the host to the communication unit and not received at the communication unit.</p>	<p><i>See also</i> Picture of the iPhone showing identifying information (including location in the email) about the .html that was not sent from the MobileMe service to an Apple Phone, taken May 12, 2011, MOTO-APPLE-0006037953_127179 (arrows added); Picture of an Apple Computer showing identifying information (including location in the email) about the .html that was not sent from the MobileMe service to an Apple Computer via the Mail.App in OS X, taken May 12, 2011, MOTO-APPLE-0006037953_127180 (arrows added); Picture of an Apple Computer showing identifying information (including location in the email) about the .html that was not sent from the MobileMe service to an Apple Computer via the MobileMe web application, taken May 12, 2011, MOTO-APPLE-0006037953_127181 (arrows added):</p> <p style="text-align: center;"><u>Apple iPhone</u> <u>Apple Computer via Mail.App</u></p>
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EXHIBIT C



Apple Computer via MobileMe web application

EXHIBIT C

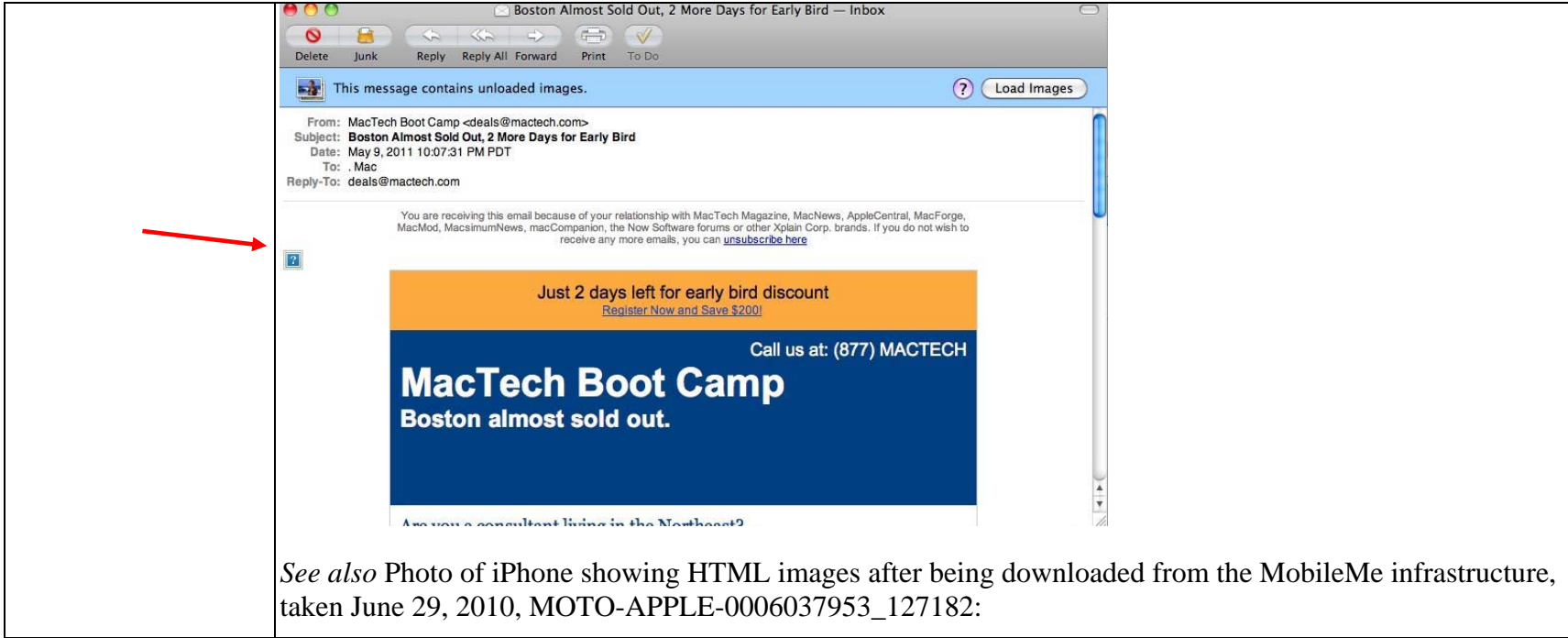
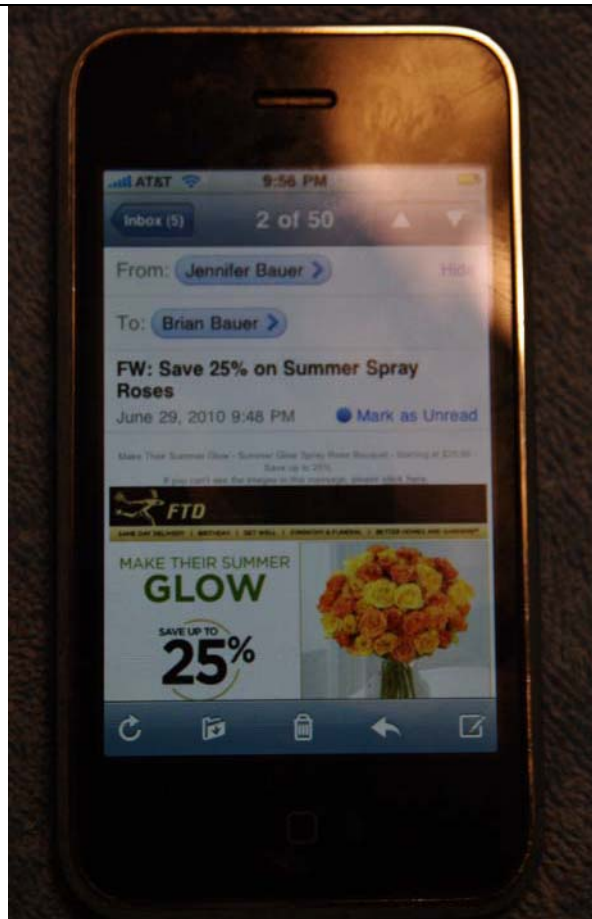


EXHIBIT C



See also, Apple devices with iOS 6 – iPhone User Guide For iOS 6 Software, p. 51 (http://manuals.info.apple.com/en/iphone_user_guide.pdf—accessed on 10/31/2012), accessed on 11/06/2012, MOTO-SDFL-0000016183:

Prevent downloading remote images: Go to Settings > Mail, Contacts, Calendars, then turn Load Remote Images on or off.

EXHIBIT C

<p>wherein said data units are individually filtered prior to reception at the communication unit, based upon user definable filter parameters.</p>	<p>Upon information and belief, said HTML images (data units) are individually filtered prior to reception at the Apple Phone and/or Apple Computer (the communication unit), based upon whether the end user has chosen to not receive HTML images (the user definable filter parameters). The user of an Apple Phone can select which mailboxes (and which folders within those mailboxes) are synched to the device. In addition, the user of an Apple Phone can select how many emails should be downloaded to the device, and the user of an Apple Phone can select not to load remote HTML images. MobileMe / iCloud receives any and all of these user-selected criteria previously prepared at the Apple Phone, which are, when completed, sent to the MobileMe / iCloud communication server.</p> <p>Upon information and belief, for an Apple Phone, this is performed when the "load remote images" setting is set to "off" in the Apple Phone Settings App:</p>
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EXHIBIT C

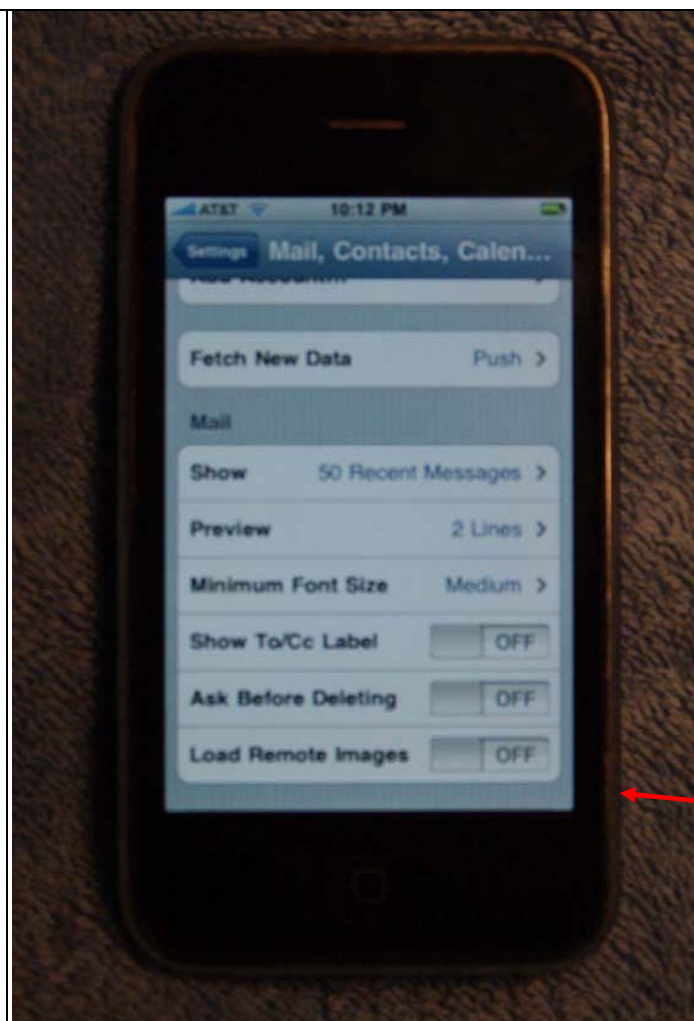
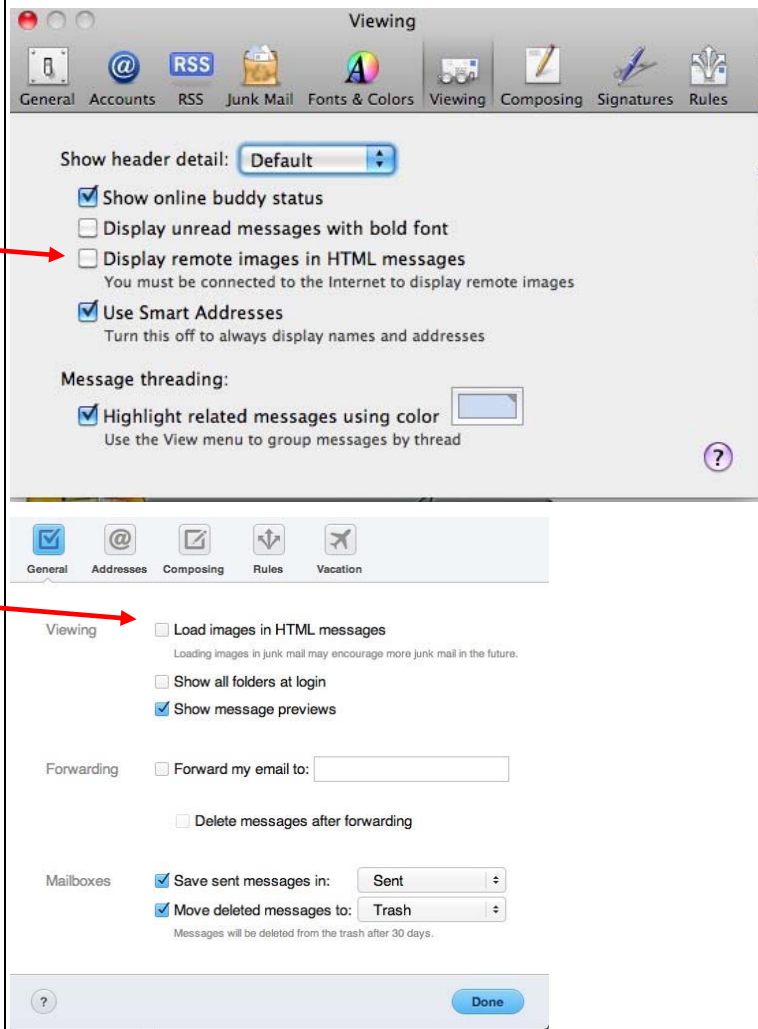


Photo of Apple iPhone showing option to load remote images, taken June 29, 2010, MOTO-APPLE-0006037953_127176 (arrow added).

Upon information and belief, on an Apple computer, this is performed when (1) the "Display remote images

EXHIBIT C

in HTML messages" setting is not selected in the Mail.App of Apple's OS X operating system or (2) the "Load images in HTML messages" setting is not selected in the Preferences section of the MobileMe web application:




See Screenshots of Apple Computer showing options to display images in HTML messages, taken May 12, 2011, MOTO-APPLE-0006037953_127177-78 (arrows added).

EXHIBIT C

See also, Apple devices with iOS 6 – iPhone User Guide For iOS 6 Software, p. 51 (http://manuals.info.apple.com/en/iphone_user_guide.pdf—accessed on 10/31/2012), accessed on 11/06/2012, MOTO-SDFL-0000016183:

Prevent downloading remote images: Go to Settings > Mail, Contacts, Calendars, then turn Load Remote Images on or off.

See also MobileMe Help, (<http://docs.info.apple.com/article.html?path=MobileMe/Help/en/mm6b1a0b80.html>), accessed May 5, 2011, MOTO-APPLE-0006037953_127204:

- To control whether or not HTML images are loaded automatically when a message is viewed, choose Preferences from the Action menu  in the toolbar at the top of the window, click General, select the checkbox next to "Load images in HTML messages," and then click Done.

When "Load images in HTML messages" checkbox isn't selected, messages that contain HTML images appear with a Load Images button you can click to see the images.

See also 745-Apple0783686-786 at -717:

Mail is capable of displaying images, animations and other HTML components. You can specify whether or not Mail will download these items to your machine to display the message. The default is to have them downloaded. However, if you are concerned that an HTML message may contain content that would compromise the security of your computer or the privacy of your email account, then you should choose to deselect this option. Below is an example of what an HTML message looks like with this preference turned off.

EXHIBIT C

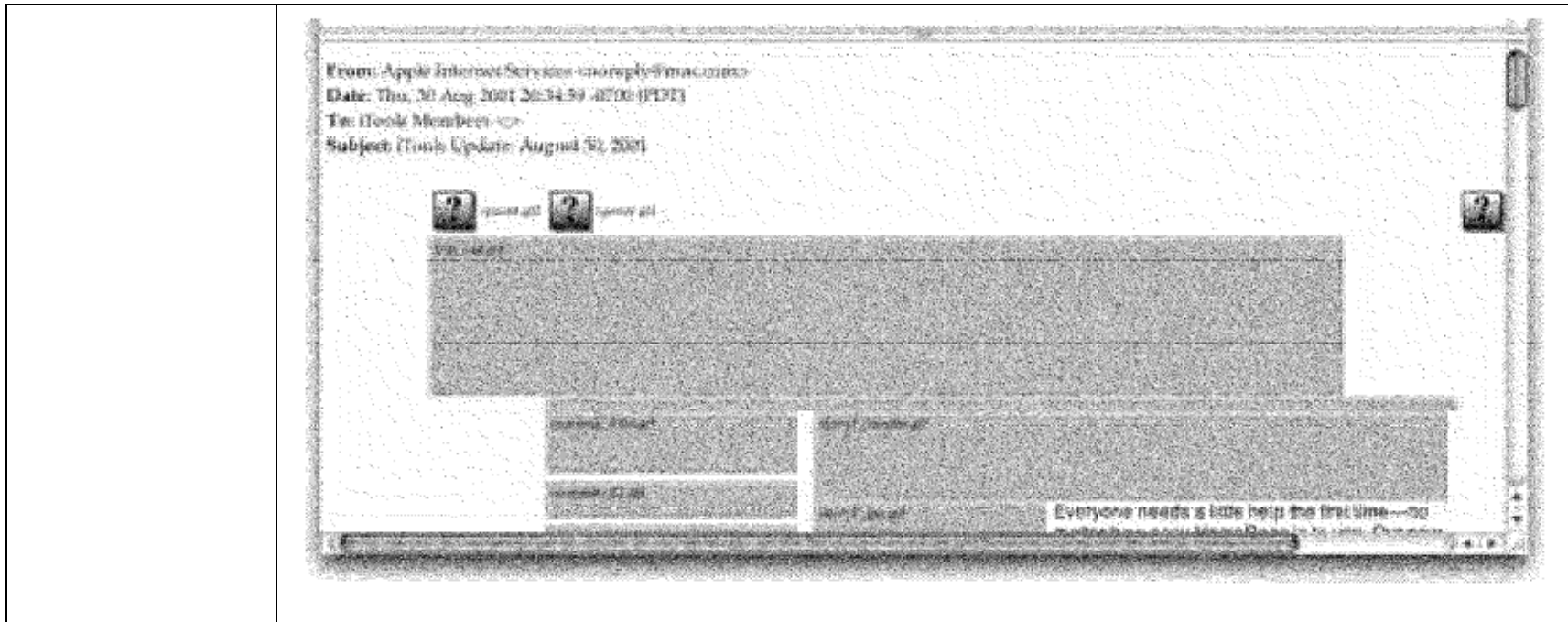


EXHIBIT C

The same page with the HTML preference on (the default) looks like this:



See also iCloud: How spam is filtered, <http://support.apple.com/kb/HT4899>, accessed October 27, 2011:

iCloud automatic spam filtering

To minimize spam for iCloud customers, iCloud Mail automatically detects spam before it reaches your Inbox. Spam prevention requires filtering mechanisms that include dynamic lists, trend analysis, and content filtering.

See also, iCloud: Filter email automatically, <http://support.apple.com/kb/PH2650>, accessed on 11/06/2012, MOTO-SDFL-0000016146:


EXHIBIT C



iCloud: Filter email automatically

You can set up rules to automatically filter incoming email messages or reorganize email messages you've already received. For example, you can create a rule that forwards certain email messages to a specific email address. You can later edit and delete these rules as desired.

Set up rules to filter email

1. In iCloud Mail, choose Rules from the Action pop-up menu  at the top of the window.
2. Click "Add a Rule."
3. Use the menus and text fields to specify the filtering conditions, and click Done.

