

EXHIBIT H

EXHIBIT H

UNITED STATES PATENT NO. 6,002,948

PRELIMINARY INFRINGEMENT CONTENTIONS¹

Accused Apple Products: The Apple iPhone line of products and related services, for example,
iPhone 3GS
iPhone 4
iPhone 4S
iPhone 5².

Motorola reserves the right to supplement this list of Accused Apple Products.

Apple directly infringes the '948 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 '948 patent through its development, testing, use, distribution and sale of its products and services, Apple also indirectly infringes the '948 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 the 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

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 "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>.

EXHIBIT H

or should have known that these actions would cause direct infringement of the '948 patent and did so with specific intent to encourage direct infringement at least as of April 13, 2012, Motorola served Apple with Motorola's motion for leave to file Motorola's first amended complaint in this litigation, which attached the '948 patent as an exhibit. Despite knowing of the '948 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. Hereinafter, the Accused Apple Products will be referred to as "iPhone."

'948 Patent Claim	Representative Apple Products: iPhone
9. In a two-way communication system having provider equipment, and first and second subscriber units that supports a plurality of communication modes, a method comprising the steps of:	<p>The iPhone operates in a two-way communication system. The iPhone's two way communication methods include but are not limited to telephone, SMS, FaceTime, and iMessage. These communications may take place over cellular networks. The two-way communication system has provider equipment including network equipment. The iPhone is a subscriber unit because, for example, it is a mobile unit that can access a wireless network.</p> <p>The iPhone supports a plurality of communication modes including, among others, telephone interconnect mode, short message mode, and circuit packet data mode.</p> <p>Telephone interconnect mode is accessed by the iPhone through the Phone application, among others.</p>


EXHIBIT H

'948 Patent Claim	Representative Apple Products: iPhone
	<div data-bbox="583 298 1877 440"> Phone. Send to voicemail. Reply with message. Remind me later. It's your call.</div> <p data-bbox="583 483 1829 581">iOS 6 adds new calling features to your iPhone. Now when you decline an incoming call, you can instantly reply with a text message or set a callback reminder. And when things are just too hectic, turn on Do Not Disturb and you won't be bothered by anyone — except can't-miss contacts like your boss or your better half. 3</p> <p data-bbox="726 646 915 675">Receiving calls</p> <p data-bbox="726 686 1654 743">Answer a call: Tap Answer. If iPhone is locked, drag the slider. You can also press the center button on your headset.</p> <p data-bbox="726 764 1709 821">Silence a call: Press the Sleep/Wake button or either volume button. You can still answer the call after silencing it, until it goes to voicemail.</p> <p data-bbox="726 842 1713 932">Reply to an incoming call with a text message: Swipe  up, tap "Reply with Message," then choose a reply or tap Custom. To create your own default replies, go to Settings > Phone > "Reply with Message" and replace any of the default messages.</p> <p data-bbox="726 953 1682 1010">Remind yourself to return an incoming call: Swipe  up, tap Remind Me Later, then choose when you want to be reminded. 4</p> <p data-bbox="533 1060 1766 1092">Short message mode is accessed by the iPhone through the Messages application, among others.</p>

³ <http://www.apple.com/ios/whats-new/> (last accessed November 7, 2012) (MOTO-SDFL-19794-19813).

⁴ iPhone User Guide (iOS 6) at 57 (MOTO-SDFL-16189).


EXHIBIT H

‘948 Patent Claim	Representative Apple Products: iPhone		
	<p style="text-align: center;">Sending and receiving messages</p> <div style="border: 1px solid gray; padding: 5px; margin-bottom: 10px;"> <p>WARNING: For important information about avoiding distraction while driving, see Important safety information on page 146.</p> </div> <p>Messages lets you exchange text messages with other SMS and MMS devices via your cellular connection, and with other iOS devices using iMessage.</p> <p>iMessage is an Apple service that lets you send unlimited messages over Wi-Fi (as well as cellular connections) to other iOS and OS X Mountain Lion users. With iMessage, you can see when other people are typing, and let them know when you’ve read their messages. iMessages are displayed on all of your iOS devices logged in to the same account, so you can start a conversation on one of your devices, and continue it on another device. iMessages are encrypted for security. 5</p> <p>And circuit packet data mode is accessed through the FaceTime and Messages applications, among others.</p> <div style="margin-top: 20px;">  <h3 style="display: inline;">iOS: Using FaceTime</h3> </div> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Summary</p> <p>With FaceTime, you can participate in video calls with other FaceTime users over a Wi-Fi connection. Learn more about how you can get in touch with other FaceTime users.</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Products Affected</p> <p>Mac OS X 10.6.6, OS X Lion, iPad, iPhone, iPod touch (4th generation)</p> </td> </tr> </table> <p style="text-align: right;">6</p>	<p>Summary</p> <p>With FaceTime, you can participate in video calls with other FaceTime users over a Wi-Fi connection. Learn more about how you can get in touch with other FaceTime users.</p>	<p>Products Affected</p> <p>Mac OS X 10.6.6, OS X Lion, iPad, iPhone, iPod touch (4th generation)</p>
<p>Summary</p> <p>With FaceTime, you can participate in video calls with other FaceTime users over a Wi-Fi connection. Learn more about how you can get in touch with other FaceTime users.</p>	<p>Products Affected</p> <p>Mac OS X 10.6.6, OS X Lion, iPad, iPhone, iPod touch (4th generation)</p>		

⁵ iPhone User Guide (iOS 6) at 82 (MOTO-SDFL-16214).

⁶ <http://support.apple.com/kb/ht4319> (accessed November 7, 2012) (MOTO-SDFL-20028-20031).

EXHIBIT H

'948 Patent Claim	Representative Apple Products: iPhone
	<p>What information do I need to call someone using FaceTime?</p> <p>To call someone using FaceTime, you need their phone number or email address. Which one you use is determined by the device you are calling:</p> <ul style="list-style-type: none">▪ When calling someone using an iPhone 4 or later: Try the <i>phone number</i> of the person you are calling first. If the person has registered an email with FaceTime, you can use that as well.▪ When calling someone using an iPad 2 or later, iPod touch (4th generation), or FaceTime for Mac: Use the <i>email address</i> designated for FaceTime of the person you are calling. <p>On iPad, iPod touch, and FaceTime for Mac, you need to add a person as a contact using the FaceTime or Contacts app before you can call them.</p> <p style="text-align: right;">7</p> <div data-bbox="651 722 1795 1015" style="border: 1px solid #ccc; padding: 10px;"><p>FaceTime. Look who's talking. Over cellular.</p><p>FaceTime now works over cellular networks as well as Wi-Fi, so you can make and receive FaceTime calls wherever you happen to be.³ You can even make and receive FaceTime calls on your iPad using your phone number. That means you can use FaceTime wherever you are, on any device. And never miss another wink, smile, air kiss, or eye roll.</p><p style="text-align: right;">8</p></div>

⁷ <http://support.apple.com/kb/ht4319> (accessed November 7, 2012) (MOTO-SDFL-20028-20031).

⁸ <http://www.apple.com/ios/ios6/> (accessed November 7, 2012) (MOTO-SDFL-19794-19813).


EXHIBIT H

‘948 Patent Claim	Representative Apple Products: iPhone
	<p>FaceTime</p> <p>With iPhone 4 or later, you can make a video call to someone with a Mac or other iOS device that supports FaceTime. The FaceTime camera lets you talk face-to-face; switch to the iSight camera on the back to share what you see around you.</p> <p><i>Note:</i> On iPhone 3GS or iPhone 4, you need a Wi-Fi connection to the Internet. On iPhone 4S or later, you can also make FaceTime calls over a cellular data connection. Cellular data charges may apply. To turn off FaceTime using cellular data, go to Settings > General > Cellular.</p> <p>Make a FaceTime call: In Contacts, choose a name, tap FaceTime, then tap the phone number or email address that the person uses for FaceTime.</p> <p>To call someone who has an iPhone 4 or later, you can start by making a voice call, then tap FaceTime. 9</p> <p>If your Wi-Fi network is unavailable (for example, if you’re out of range), you get an option to redial the number for a voice call.</p> <p><i>Note:</i> When you make a FaceTime video call, your phone number is displayed even if caller ID is blocked or turned off. 10</p>

⁹ iPhone User Guide (iOS 6) at 47 (MOTO-SDFL-16179).

¹⁰ iPhone User Guide (iOS 5.1) at 60 (MOTO-SDFL-20319).

EXHIBIT H

‘948 Patent Claim	Representative Apple Products: iPhone
	<p>Messages lets you exchange text messages with other SMS and MMS devices via your cellular connection, and with other iOS devices using iMessage.</p> <p>iMessage is an Apple service that lets you send unlimited messages over Wi-Fi (as well as cellular connections) to other iOS and OS X Mountain Lion users. With iMessage, you can see when other people are typing, and let them know when you’ve read their messages. iMessages are displayed on all of your iOS devices logged in to the same account, so you can start a conversation on one of your devices, and continue it on another device. iMessages are encrypted for security.</p>  <p>Blue indicates an iMessage conversation.</p> <p>Tap to enter text.</p> <p>Tap the attach media button to include a photo or video.</p>

¹¹ iPhone User Guide (iOS 6) at 64 (MOTO-SDFL-16196).

EXHIBIT H

<p>at the subscriber unit: selecting a particular communication mode from among a plurality of communication modes supported by the second subscriber unit, wherein the particular communication mode indicates a type of communication link to be established between the first and second subscriber units;</p>	<p>As described above, the iPhone supports a plurality of communication modes, including a telephone interconnect mode (e.g., phone), short message mode (e.g., SMS), and circuit packet data mode (e.g., FaceTime, iMessage).</p> <p>At the subscriber unit, a particular communication mode from among a plurality of communications modes supported by the second subscriber unit may be selected.</p> <p>Telephone interconnect mode:</p> <p>Make a call. Tap a phone number in Contacts, Favorites, an email, a text message, or almost anywhere in iPhone to make a call. Or open the Phone app and tap the Keypad button to dial manually. To silence an incoming call, press the On/Off button once. To send a call directly to voicemail, press On/Off twice. To answer a call while using the iPhone headset, press the center button once. Press it again to end your call. 12</p> <p>Short message mode:</p> <p>Messages. Tap the Messages icon to send an iMessage to other iPhone, iPad, and iPod touch users running iOS 5, or to send an SMS or MMS to other mobile phone users. Type a name or phone number in the To field or select someone from your contacts. Type your message, then tap Send. To send photos or video, tap the Camera button. 13</p>
--	---

¹² iPhone 4S Finger Tips Guide (MOTO-SDFL-19999).

EXHIBIT H

	<p>Circuit packet data mode:</p> <p>FaceTime. Select someone from your contacts and tap the FaceTime button to start a video call with another iPhone user or an iPad, iPod touch, or Mac user. Or while you're on a voice call, tap FaceTime to begin a video call. During a video call, tap the Camera button to switch to the rear camera and share your surroundings. 14</p> <p>Messages. Tap the Messages icon to send an iMessage to other iPhone, iPad, and iPod touch users running iOS 5, or to send an SMS or MMS to other mobile phone users. Type a name or phone number in the To field or select someone from your contacts. Type your message, then tap Send. To send photos or video, tap the Camera button. 15</p> <p>The particular communication mode indicates a type of communication link to be established between the first and second subscriber units.¹⁶</p>
--	---

¹³ iPhone 4S Finger Tips Guide (MOTO-SDFL-19999).

¹⁴ iPhone 4S Finger Tips Guide (MOTO-SDFL-19999).

¹⁵ iPhone 4S Finger Tips Guide (MOTO-SDFL-19999).







¹⁶ E.g., 3GPP TS 23.040 v.6.9.0 (6/2008) at 3.2.3 (SMS) (MOTO-SDFL-19428).

EXHIBIT H

The Phone application, using telephone interconnect mode, connects using, for example, a cellular connection as the type of communication link.

Status icons

The icons in the status bar at the top of the screen give information about iPhone:

Status icon		What it means
	Cell signal ¹⁷	Shows whether you're in range of the cellular network and can make and receive calls. The more bars, the stronger the signal. If there's no signal, the bars are replaced with "No service."
	Airplane mode	Shows that airplane mode is on—you cannot use the phone, access the Internet, or use Bluetooth® devices. Non-wireless features are available. See Airplane mode on page 130.
	LTE	Shows that your carrier's LTE network is available, and iPhone can connect to the Internet over that network. (iPhone 5. Not available in all areas.) See Cellular on page 135.
	UMTS	Shows that your carrier's 4G UMTS (GSM) network is available, and iPhone can connect to the Internet over that network. (iPhone 4S or later. Not available in all areas.) See Cellular on page 135.
	UMTS/EV-DO	Shows that your carrier's 3G UMTS (GSM) or EV-DO (CDMA) network is available, and iPhone can connect to the Internet over that network. See Cellular on page 135.
	EDGE	Shows that your carrier's EDGE (GSM) network is available, and iPhone can connect to the Internet over that network. See Cellular on page 135.

17

The Messages application, when sending SMS messages using the short message mode, connects using, for example, a cellular connection as the type of communication link.

Messages lets you exchange text messages with other SMS and MMS devices via your cellular connection, and with other iOS devices using iMessage.

18

The FaceTime application, using the circuit packet data mode, connects using, for example, a cellular or wifi connection as the type of communication link.


¹⁷ iPhone User Guide (iOS 6) at 10 (MOTO-SDFL-16142).

¹⁸ iPhone User Guide (iOS 6) at 64 (MOTO-SDFL-16196).

EXHIBIT H


FaceTime
With iPhone 4 or later, you can make a video call to someone with a Mac or other iOS device that supports FaceTime. The FaceTime camera lets you talk face-to-face; switch to the iSight camera on the back to share what you see around you.

Note: On iPhone 3GS or iPhone 4, you need a Wi-Fi connection to the Internet. On iPhone 4S or later, you can also make FaceTime calls over a cellular data connection. Cellular data charges may apply. To turn off FaceTime using cellular data, go to Settings > General > Cellular. 19

 **iOS: Using FaceTime**

Summary
With FaceTime, you can participate in video calls with other FaceTime users over a Wi-Fi connection. Learn more about how you can get in touch with other FaceTime users.

Products Affected
Mac OS X 10.6.6, [OS X Lion](#), iPad, iPhone, iPod touch (4th generation) 20

 **FaceTime.**
Look who's talking. Over cellular.

FaceTime now works over cellular networks as well as Wi-Fi, so you can make and receive FaceTime calls wherever you happen to be.³ You can even make and receive FaceTime calls on your iPad using your phone number. That means you can use FaceTime wherever you are, on any device. And never miss another wink, smile, air kiss, or eye roll. 21

¹⁹ iPhone User Guide (iOS 6) at 47 (MOTO-SDFL-16179).

²⁰ <http://support.apple.com/kb/ht4319> (accessed November 7, 2012) (MOTO-SDFL-20028-20031).

²¹ <http://www.apple.com/ios/ios6/> (accessed November 7, 2012) (MOTO-SDFL-19794-19813).

EXHIBIT H

	<p>The Messages application, when sending iMessages using the circuit packet data mode, connects using, for example, a cellular or wifi connection as the type of communication link.</p> <p style="text-align: center;">iMessage is an Apple service that lets you send unlimited messages over Wi-Fi (as well as cellular connections) to other iOS and OS X Mountain Lion users. With iMessage, you can see when other people are typing, and let them know when you've read their messages. iMessages are displayed on all of your iOS devices logged in to the same account, so you can start a conversation on one of your devices, and continue it on another device. iMessages are encrypted for security. 22</p>
<p>obtaining a mode independent identifier for the second subscriber unit, which mode independent identifier identifies the second subscriber unit independent of the communication mode selected from among the plurality of communication modes; and</p>	<p>The accused Apple devices obtain a mode independent identifier for the second subscriber unit, which mode independent identifier identifies the second subscriber unit independent of the communication mode selected from among the plurality of communication modes.</p> <p>As shown above, the iPhone uses a telephone number as a mode independent identifier to communicate using various modes of communication.</p> <p>The iPhone supports a plurality of communication modes, including a telephone interconnect mode (e.g., phone), short message mode (e.g., SMS), and circuit packet data mode (e.g., FaceTime, iMessage). The iPhone can communicate through all of these modes using the telephone number of another device.</p> <p>The iPhone allows, for example below in Contacts, that a single contact can be reached using three different message modes (telephone interconnect mode, short message mode, and circuit packet data mode) using the phone number:</p>

²² iPhone User Guide (iOS 6) at 64 (MOTO-SDFL-16196).

EXHIBIT H

At a glance

iPhone lets you easily access and edit your contact lists from personal, business, and organizational accounts.



Dial a number.

Open in Mail.

Send a Tweet.

23

The iPhone further allows, for example in Messages, that a single contact can be reached using three different message modes (telephone interconnect mode, short message mode, and circuit packet data mode) using the phone number:

²³ iPhone User Guide (iOS 6) at 100 (MOTO-SDFL-16232).

EXHIBIT H



A phone number can identify a second device, or subscriber unit, when the device is using the FaceTime communication mode.

Make a FaceTime call: In Contacts, choose a name, tap FaceTime, then tap the phone number or email address that the person uses for FaceTime.

To call someone who has an iPhone 4 or later, you can start by making a voice call, then tap FaceTime.

24

A phone number can identify a second device, or subscriber unit, when the device is using the circuit packet data mode (e.g., iMessage).

Messages.


Tap the Messages icon to send an iMessage to other iPhone, iPad, and iPod touch users running iOS 5, or to send an SMS or MMS to other mobile phone users. Type a name or phone number in the To field or select someone from your contacts. Type your message, then tap Send. To send photos or video, tap the Camera button.

25

²⁴ iPhone User Guide (iOS 6) at 47 (MOTO-SDFL-16179).

²⁵ iPhone 4S Finger Tips Guide (MOTO-SDFL-19999).

EXHIBIT H

	<p>A phone number can identify a second device, or subscriber unit, when is the device is using the telephone interconnect mode (by the iPhone Phone application).</p>  <p>Phone calls</p> <p>Making calls</p> <p>Making a call on iPhone is as simple as tapping a name or number in your contacts, using Siri to say "call Bob" (iPhone 4S or later), tapping one of your favorites, or tapping a recent call to return it. 26</p> <p>Manually dial a number: Tap Keypad, enter the number, then tap Call.</p> <ul style="list-style-type: none"> • <i>Paste a number to the keypad:</i> Tap the screen above the keyboard, then tap Paste. • <i>Enter a soft (2-second) pause:</i> Touch the "*" key until a comma appears. • <i>Enter a hard pause (to pause dialing until you tap the Dial button):</i> Touch the "#" key until a semicolon appears. • <i>Redial the last number:</i> Tap Keypad, tap Call to display the number, then tap Call again. 27
<p>transmitting the mode independent identifier and the particular communication mode on a communication channel to the provider equipment.</p>	<p>The accused Apple products transmit the mode independent identifier and the particular communication mode on a communication channel to the provider equipment.</p> <p>When telephone interconnect mode is in use, the mode independent identifier (phone number) and the communication mode are transmitted to the wireless network. When short message mode is in use, the mode independent identifier (phone number) and the communication mode are transmitted to the wireless network. When circuit packet data mode is in use, the mode independent identifier (phone number) and the</p>

²⁶ iPhone User Guide (iOS 6) at 43 (MOTO-SDFL-16175).

²⁷ iPhone User Guide (iOS 6) at 44 (MOTO-SDFL-16176).

EXHIBIT H

	<p>communication mode are transmitted to the wireless network.</p> <p>For example, to initiate a FaceTime call, or to send an iMessage, a user can select the mode independent identifier (phone number). See iPhone User Guide at 60, http://manuals.info.apple.com/en_US/iphone_user_guide.pdf ("Make a FaceTime call: In Contacts, choose a name, tap FaceTime, then tap the phone number or email address the person uses for FaceTime.") The phone number and information identifying the communication mode (i.e. FaceTime or iMessage) is then sent to the provider equipment as part of establishing a connection for the purpose of making a FaceTime call or sending an iMessage.</p>
<p>10. The method of claim 9, wherein the particular communication mode is selected from among a telephone communication mode, a dispatch communication mode, and a short message communication mode.</p>	<p>Claim 9 is incorporated herein by reference.</p> <p>As discussed in relation to claim 9, the communication mode may be selected from among the telephone communication mode, a dispatch communication mode, and a short message communication mode.</p>
<p>11. The method of claim 9, wherein the communication mode is selected from among a telephone communication mode, and a circuit data mode.</p>	<p>Claim 9 is incorporated herein by reference.</p> <p>As discussed in relation to claim 9, the communication mode may be selected from among a telephone communication mode, and a circuit data mode.</p>
<p>12. The method of claim 9, wherein the communication mode is selected from among a telephone communication mode, and a packet data mode.</p>	<p>Claim 9 is incorporated herein by reference.</p> <p>As discussed in relation to claim 9, the communication mode may be selected from among a telephone communication mode, and a packet data mode.</p>