# EXHIBIT B

**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 10-24063-CIV-MORENO

| | |
|---|---|
| MOTOROLA MOBILITY, INC., | ) |
| Plaintiff / Counterclaim Defendant, | ) |
| v. | ) |
| MICROSOFT CORPORATION, | ) |
| Defendant / Counterclaim Plaintiff. | ) |

**PLAINTIFF MOTOROLA MOBILITY, INC.'S UPDATED PROPOSED CLAIM CONSTRUCTIONS FOR THE PATENTS-IN-SUIT**

Motorola Mobility, Inc. ("Motorola Mobility") submits the attached chart identifying its updated proposed constructions of the claim limitations of the patents-in-suit for which the parties seek construction by the Court.

Motorola Mobility's provides this submission without waiver of or prejudice to its right to amend or supplement as a result of further analysis, ongoing discovery, and in response to amendment or supplementation of constructions proposed by Microsoft Corporation ("Microsoft"). In particular, Motorola Mobility may amend its constructions to narrow the gap between its constructions and Microsoft's to allow for resolution of as many claim construction disputes as possible prior to the submission of the parties' claim construction briefs.

Dated: June 3, 2011

By: /s/ Leslie M. Spencer_____

Jesse J. Jenner
Steven Pepe
Khue V. Hoang
Leslie M. Spencer
**Ropes & Gray LLP**
1211 Avenue of the Americas
New York, NY 10020
Telephone: (212) 596-9000

Norman H. Beamer
Mark D. Rowland
Gabrielle E. Higgins
**Ropes & Gray LLP**
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303
Telephone: (650) 617-4000

Kevin J. Post
Megan F. Raymond
**Ropes & Gray LLP**
One Metro Center
700 12th Street NW, Suite 900
Washington, DC 20005
Telephone: (202) 508-4600

Edward M. Mullins
Hal M. Lucas
**Astigarraga Davis Mullins & Grossman, P.A.**
701 Brickell Avenue
16th Floor
Miami, FL 33131
Telephone: (305) 372-8282

*Attorneys for Plaintiff / Counterclaim Defendant*
MOTOROLA MOBILITY, INC.

## CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2011, copies of the foregoing Plaintiff Motorola Mobility, Inc.'s Updated Proposed Claim Constructions For The Patents-In-Suit were served by e-mail upon the counsel of record included in the attached Service List.

/s/Leslie M. Spencer
Leslie M. Spencer

## SERVICE LIST

*Motorola Mobility, Inc. v. Microsoft Corp.*, Case No. 1:10-cv-24063-MORENO

Roberto Martinez, Esq.
Curtis Miner, Esq.
COLSON HICKS EIDSON
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134
Tel: (305) 476-7400
Email: curt@colson.com
bob@colson.com

*Attorneys for Defendant / Counterclaim Plaintiff*
MICROSOFT CORPORATION

*Of Counsel:*

David T. Pritikin
Richard A. Cederoth
Douglas I. Lewis
John W. McBride
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Tel: (312) 853-7000
Email: dpritikin@sidley.com
rcederoth@sidley.com
dilewis@sidley.com
jmcbri01@sidley.com

Brian R. Nester
Kevin C. Wheeler
SIDLEY AUSTIN LLP
1501 K Street NW
Washington, DC 20005
Tel: (202) 736-8000
Email: bnester@sidley.com
kwheeler@sidley.com

## Motorola Patent No. 5,502,839

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft term:<br><br>"picture element comprising a plurality of device independent data structures in a predetermined, standard data format, at least one of said data structures comprising a plurality of different data fields each containing information describing said picture element | 9-12, 15-16, 18-21, 23 | A device-independent abstraction of a displayable object (e.g., line, text, etc.) |
| Microsoft term:<br><br>"virtual output"; "virtual input" | 9-13, 22-23 | "virtual input" means one or more picture elements generated from user input<br><br>"virtual output" means one or more picture elements of a picture |
| Motorola term:<br><br>"source of virtual input" | 9-14 | A process which generates one or more picture elements from user input |
| Motorola term:<br><br>"picture manager process" | 10-11 | A Picture Manager process is a process that constructs a device-independent representation of a picture using a set of related picture elements and controls modification and retrieval of the picture elements. |
| Motorola term:<br><br>"window manager process" | 11 | The Window Manager process is a process that maps all (or a portion) of a picture to a particular rectangular area (window) of a display screen, updates the display screen and controls the size and appearance of the window. |
| Microsoft and Motorola Means-Plus -Function term:<br><br>"means for performing processing operations on said virtual input and for generating virtual output" | 9-14 | Function: performing processing operations on virtual input and generating virtual output<br><br>Corresponding structure: Console Manager, which is any process that processes virtual input and, in response, generates virtual output, as described, for example, at least at FIGs. 8, 9, 12, 13; Cols. 15:30-17:17; 24:49-26:24; 27:5-28:17; 29:65-30:48; 43:51-65; 44:6-34; 47-56. |

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft and Motorola Means-Plus -Function term:<br><br>"means for accepting said virtual output" | 9-14 | Function: accepting virtual output<br><br>Corresponding structure: Picture Manager, which is any process that accepts virtual output as described, for example, at least at FIGs. 8, 9, 12, 14; Cols. 13:64-14:7; 16:4-56; 17:23-25; 17:63-18:23; 25:44-56; 30:51-33:5; 43:60-65; 44:35-39; 145-150. |
| Microsoft and Motorola Means-Plus -Function term:<br><br>"means for converting said virtual output into at least one physical output suitable for use by at least one physical output device" | 9-14 | Function: converting virtual output into at least one physical output suitable for use by at least one physical output device<br><br>Corresponding structure: Output Manager, which is any process that converts virtual output into physical output suitable for use by a physical output device as described, for example, at least at FIGs. 8, 9, 12, 14; Cols. 19:32-20:64; 23:51-24:44; 25:33-43; 26:33-43; 43:58-65. |
| Microsoft Means-Plus - Function term:<br><br>"wherein said virtual output accepting means comprises a picture manager process for controlling said plurality of related picture elements" | 10 | This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.<br><br>(see Picture Manager Process above) |
| Microsoft Means-Plus - Function term:<br><br>"wherein said virtual output accepting means further comprises a window manager process for controlling the display of said plurality of related picture elements on said display device" | 11 | This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.<br><br>(see Window Manager Process above) |
| Microsoft Means-Plus - Function term:<br><br>"wherein said virtual output converting means comprises a virtual output manager process responsive to said one or more processed | 12 | This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.<br><br>"Virtual output manager process" means the process by which virtual output is converted into |

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| picture elements for coupling said one or more processed picture elements to said at least one physical output device" | | real output on a particular physical device. |
| Microsoft and Motorola Means-Plus -Function term:<br><br>"means responsive to one of said physical input devices for generating a picture" | 15-16, 18-23 | Function: generating a picture comprising one or more picture elements responsive to a user's interaction with a physical input device.<br><br>Corresponding structure: Input Manager and Console Manager processes that generate a picture comprising one or more picture elements responsive to a user's interaction with a physical input device, as described, for example, at least at FIGs. 8, 9, 12; Cols. 12:14-23; 13:64-14:7; 18:24-19: 31; 25:25-31, 25:44-56; 43:51-65; 47-56; 70-71. |
| Microsoft and Motorola Means-Plus -Function term:<br><br>"means for performing processing operations on said one or more picture elements" | 15-16, 18-23 | Function: performing processing operations on one or more picture elements.<br><br>Corresponding structure: Console Manager processes that perform processing operations on one or more picture elements, as described, for example, at least at FIGs. 8, 9, 12, 13; Cols. 15:30-17:17;<br>24:49-26:24; 27:5-28:17; 29:65-30:48; 43:51-65; 44:6-34; 47-56 |
| Microsoft and Motorola Means-Plus -Function term:<br><br>"means responsive to said one or more processed picture elements for coupling said one or more processed picture elements to one of said physical output devices" | 15-16, 18-23 | Function: coupling said one or more processed picture elements to a physical output device<br><br>Corresponding structure: Output Manager processes that couple one or more processed picture elements to a physical output device, as described, for example, at least at FIGs. 8, 9, 12, 14; Cols. 19:32-20:64; 23:51-24:44; 25:33-43; 26:33-43; 43:58-65. |
| Microsoft Means-Plus -Function term:<br><br>"wherein said means responsive to one of said physical input devices comprises a virtual input manager process" | 22 | "Virtual input manager process" means the process by which input from a physical device is converted into virtual form |

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft Means-Plus - Function term:<br><br>"wherein said means responsive to said one or more processed picture elements comprises a virtual output manager process" | 23 | "Virtual output manager process" means the process by which virtual output is converted into real output on a particular physical device |

## Motorola Patent No. 5,764,899

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft proposed term:<br><br>A system for communicating reply data with a communication unit comprising | 1 | The preamble is not limiting and should be construed according to its plain and ordinary meaning. |
| Microsoft proposed term:<br><br>a host server, in communication with the communication server | 1 | A computer or a program that operates as an e-mail post office, which can exchange data with the communication server |
| Microsoft proposed term:<br><br>email; e-mail | 1, 15,18 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning: "electronic mail" |
| Microsoft proposed term:<br><br>"forwarding" / "forward" / "forwards" / "forwarded" | 1, 14, 16, 17 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning: "Forwarding from one computer or program to another" |
| Microsoft proposed term:<br><br>a determination is made whether to forward the optimized reply or a replica reply | 14 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning: "the communication server decides whether to forward the optimized reply or the replica reply." |

**Motorola Patent No. 5,784,001**

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft proposed term:<br><br>"referencing a database to determine whether at least one word included in the alphanumeric message matches at least one key word included in the database" / "determining whether at least one word included in the alphanumeric message matches at least one key word included in the database" / "determining whether at least one word included in the alphanumeric message matches at least one key word included in the database" | 1, 4, 6 | This element requires no construction and should be accorded its plain and ordinary meaning. |
| Microsoft proposed term:<br><br>"graphic message that is accompanied by the alphanumeric message"/ "graphic message accompanied by the alphanumeric message"/ "graphic message accompanied by the message" | 1, 4, 6 | At least one image is displayed along with a portion of, or the entire, alphanumeric message. |
| Microsoft proposed term:<br><br>"A method for displaying messages in a data communication receiver; A data communication receiver for presenting information" | 1, 4, 6 | The preamble is a limitation that should be construed according to its plain and ordinary meaning. |
| Microsoft proposed Means-Plus-Function term: | 4 | This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶6 because it recites sufficient |

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| "programming means coupled to the processor and to the database for programming the database, the programming means further comprising: the receiver for receiving a programming message including a key word and image data; a memory for storing a programming word; and storing means for storing the key word and image data in the database in response to determining that the programming message includes the programming word" | | structure to perform the claimed function in its entirety.<br><br>To the extent that this element is construed according to 35 U.S.C. §112:<br><br><u>Claimed function:</u><br>"programming the database"<br><br><u>Corresponding structure:</u><br>the Receiver, the Decoder, the Memory, and a program for operating the Processor according to the algorithm of Figure 13. |
| Microsoft proposed Means-Plus-Function term:<br><br>"storing means for storing the key word and image data in the database in response to determining that the programming message includes the programming word" | 4 | This is a means-plus function element that should be construed according to 35 U.S.C. §112.<br><br><u>Claimed function:</u><br>"storing the key word and the image data in the database in response to determining that the programming message includes the programming word"<br><br><u>Corresponding structure:</u><br>A program for operating the Processor according to steps 360, 370, 375, and 380 of the algorithm of Fig. 13. |
| Motorola proposed term:<br><br>"programming message" | 1, 3, 4 | A message that creates or modifies an association between a key word and image data. |

## Motorola Patent No. 6,272,333

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft term:<br><br>"data" | 1, 7, 12 | Digital information |
| Microsoft term:<br><br>"controlling a delivery of data" | 1, 7, 12 | Managing whether and when data is delivered |
| Microsoft term:<br><br>"fixed portion of [a/the] wireless communication system" | 1, 3, 5, 7, 12 | The stationary portion of the wireless communication system that includes base stations and a controller |
| Motorola term:<br><br>"subscriber unit" | 1, 3, 5-7, 12-13 | A portable device for use in a wireless communication system |
| Motorola term:<br><br>"application registry comprising a list of all software applications that are currently accessible to the subscriber unit" | 1, 3, 5-7, 12-13 | A portion of memory that includes a list of all software applications that are immediately available for use by the subscriber unit |

## Motorola Patent No. 6,757,544

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft term:<br><br>"specific location information of the communication device" | 1, 3 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning:<br><br>"Information about the specific location of the communication device." |
| Microsoft term:<br><br>"general location information of the location relevant to the user" | 1, 3, 9, 10 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning:<br><br>"Information about the general area of a location relevant to the user." |
| Microsoft & Motorola term:<br><br>"determining the location relevant to a user by comparing the list of location parameters with the specific location information" | 1, 3 | "Identifying the location relevant to the user by selecting from the list of location parameters based on the specific location information." |

## Motorola Patent No. 6,408,176

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft term:<br><br>"extracts the caller-related information from the stored voice mail" / "extracting the caller-related information from the stored voice mail" / "receiving the caller-related information … after extraction from stored voice mail" | 1, 8, 11 | See constructions for "extracts / extracting / extraction" and "caller-related information" |
| Microsoft term:<br><br>Order of the functional operation (Claim 1 -extracts caller-relation information/(Claim 8 - extracting the caller-related information/Claim 11 - extraction from stored voice mail) and the functional step (Claim 1 - converts the caller-related information from the voice format to an alpha-numeric string format/Claim 8 - converting the caller-related information from a voice format into an alpha-numeric-string format/Claim 11 - caller-related information in an alpha-numeric string format resulting from a voice-to-alphanumeric-string–format conversion). | 1, 8, 11 | The operation of "extracts"; "extracting"; "extraction" of caller-related information and the operation of "converts" / "converting" / "conversion" of caller-related information may take place in any order in accordance with known speech-recognition techniques. |
| Microsoft term:<br><br>"fixed network equipment" | 1 | Communication system infrastructure component. |
| Microsoft term: | 11 | This element requires no construction and should be accorded its plain and ordinary meaning. |

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| "receiving a request from a user of the communication unit" | | |
| Motorola term:<br><br>"caller-related information" | 1, 8, 11 | Information provided by a caller in a stored audio message. |
| Motorola term:<br><br>"extracts" / "extracting" / "extraction" | 1, 8, 11 | Selecting. |

**Motorola Patent No. 6,983,370**

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft term:<br><br>for providing continuity | 1, 6, 9, 10, 11, 12, 13, 15, 18, 19, 20, 22, 29, 33, 36, 42, 45, 46, 50, 59 | Allowing an account user to continue at least one messaging session on different messaging clients |
| Microsoft term:<br><br>first / second messaging client | 1, 2, 6, 9, 10, 11, 12, 15, 22, 36, 46, 50, 51, 52, 54, 59, 61 | First client software to interface a user's device within a messaging communication system<br><br>Second client software to interface a user's device within a messaging communication system |
| Microsoft term:<br><br>"adding the second messaging client to the at least one messaging session using the session identifier" | 46 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning:<br><br>"using the session identifier to allow the second messaging client to participate in the at least one messaging session." |
| Microsoft terms:<br><br>"transfer the at least one messaging session to the second messaging client using the session identifier" | 59 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning:<br><br>"Using the session identifier to transfer the at least one messaging session from the first messaging client to the second messaging client." |
| Microsoft Means-Plus-Function Term<br><br>"a first messaging client, for establishing a first communication connection including a plurality of client data with a message server" | 50 – 52, 54 | This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112,¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.<br><br>This element requires no construction and should be accorded its plain and ordinary meaning. |

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| | | To the extent that this element is construed according to 35 U.S.C. §112,¶ 6:<br><br>Claimed function:<br>"establishing a first communication connection including a plurality of client data with a message server."<br><br>Corresponding structure:<br>"first messaging client" |
| Microsoft Means-Plus-Function term:<br><br>"a second messaging client for receiving the plurality of client data from the first messaging client and for establishing a second communication connection including the plurality of client data with the message server" | 50 – 52, 54 | This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112,¶6 because it recites sufficient structure to perform the claimed function in its entirety.<br><br>This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>To the extent that this element is construed according to 35 U.S.C. §112,¶6:<br><br>Claimed function:<br>"receiving the plurality of client data from the first messaging client, and establishing a second communication connection including the plurality of client data with the message server<br><br>Corresponding structure:<br>"second messaging client" |
| Motorola term:<br><br>"client data" | 1, 6, 9, 10, 13, 15, 18, 20, 36, 42, 45, 46, 50, 52, 54, 59 | Motorola agrees with Microsoft's proposed construction. |
| Motorola term:<br><br>"messaging session" | 22, 29, 36, 42, 46, 59 | A session of real time electronic messaging, between two or more messaging clients. |
| Motorola term:<br><br>"providing continuity between a plurality of messaging clients" | 2, 6, 9, 10, 11, 12, 13, 18, 19, 20, 29, 33, 42, 45, 59 | See construction for "for providing continuity" |

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Motorola term:<br><br>“session data” | 22, 29, 33, | Data relating to one or more of the messaging sessions in which the account user is participating, has previously participated, or plans to participate, using the messaging client |

## Microsoft Patent No. 6,791,536

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Motorola term:<br><br>"generating at least one event representing an activation of the secondary switch of the pointing device" | 14, 16, 17 | generating at least one down event of the secondary switch of the pointing device |
| Motorola term:<br><br>"generating at least one event representing an activation of the primary switch of the pointing device" | 14, 16, 17 | generating at least one down event of the primary switch of the pointing device |

## Microsoft Patent No. 6,897,853

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft term:<br><br>"determining whether the input is a stroke based on a first move threshold" | 7-11 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning:<br><br>"determining that the input is a stroke if the input exceeds a first predetermined distance" |
| Microsoft term:<br><br>"determining whether the input is a tap based on a time threshold" | 7-11 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning:<br><br>"determining that the input is a tap if the input does not exceed a predetermined amount of time" |
| Microsoft term:<br><br>"determining whether the stroke is a hold or a hold and drag" | 7-11 | This element requires no construction and should be accorded its plain and ordinary meaning.<br><br>If this element is construed, it should be given the following meaning:<br><br>"determining that the input is a hold if the input exceeds a predetermined amount of time and does not exceed a second predetermined distance or a hold and drag if the input exceeds a predetermined amount of time and exceeds a second predetermined distance" |
| Motorola term:<br><br>"simulating a right mouse click" | 11 | generating a down event followed by an up event of a right mouse button |

**Microsoft Patent No. 7,024,214**

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Motorola term:<br><br>"synchronization mechanism" | 1, 3-6, 10, 14, 17, 19, 22-29, 32-34, 38, 39, 41-44, 46-52, 54-56 | A communication channel ~~link~~ used for synchronization~~, such as GSM, GPRS, WiFi (802.11b), Bluetooth, PSTN (dial-up), hardwire tether or dock~~ |
| Motorola term:<br><br>"flexible selection rule(s)" | 1, 3-6, 10, 14, 17, 19, 22-29, 32-34, 38, 39, 41-44, 46-52, 54-56 | changeable rule(s) which specify which synchronization mechanisms can be used for synchronizing certain types of data |
| Motorola term:<br><br>"value, from having access to synchronized data" | 1, 3-6, 10, 14, 17, 19, 22-29, 32-34, 38, 39, 41-44, 46-52, 54-56 | importance to the user of having access to the synchronized data item |

**Microsoft Patent No. 7,493,130**

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Motorola term:<br><br>"synchronization mechanism" | 1, 42, 44, 55 | A communication ~~link~~ channel used for synchronization~~, such as GSM, GPRS, WiFi (802.11b), Bluetooth, PSTN (dial-up), hardwire tether or dock~~ |
| Motorola term:<br><br>"flexible selection rule(s)" | 1, 42, 44, 55 | changeable rule(s) which specify which synchronization mechanisms can be used for synchronizing certain types of data |
| Motorola term:<br><br>"value, from having access to synchronized data" | 1, 42, 44, 55 | importance to the user of having access to the synchronized data item |

## Microsoft Patent No. 7,383,460

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Microsoft term:<br><br>"the hardware-dependent process" | 7 | *Indefinite*. |
| Motorola term:<br><br>high precision event timer (HPET) | 8, 9 | a hardware timer that operates in accordance with the "*Intel Architecture/Personal Computer (lA/PC) HPET (High Precision Event Timers) Specification*" |

## Microsoft Patent No. 6,897,904

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| Motorola term:<br><br>"program content currently being tuned" | 19 | "live program content" |

## Microsoft Patent No. 6,785,901

| Claim Term/ Identified By | Claims | Motorola Proposed Construction |
|---|---|---|
| **None** | | |