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

Case No.: 10-24063-Civ-Moreno

MOTOROLA MOBILITY, INC.,

Plaintiff/Counter-Defendant,

v.

MICROSOFT CORPORATION,

Defendant/Counter-Claimant.

**DEFENDANT/COUNTER-CLAIMANT MICROSOFT CORPORATION'S
PRELIMINARY INFRINGEMENT CONTENTIONS**

Consistent with the parties Joint Motion to Include Pretrial Dates on Claim Construction and Expert Testimony (Dkt. 49, 4/10/2011), Defendant/Counter-Claimant Microsoft Corporation ("Microsoft") hereby provides its Preliminary Infringement Contentions.

I. Right to Supplement

This case is still in the early stages of discovery and Microsoft has not yet completed its investigation, collection of information, discovery, or analysis related to this action. Microsoft accordingly reserves the right to amend and supplement these Preliminary Contentions as necessary based on further discovery and investigation, review of newly or yet-to-be produced documents, or any rulings of the Court. In particular, Microsoft reserves its right to amend and supplement this identification of Asserted Claims and modify this identification of Accused Devices. Additionally, as further discovery is taken, and additional details are provided regarding infringing activities and the claims of the asserted patents are construed, Microsoft's infringement charts and contentions may need to be amended, supplemented and/or corrected.

II. Asserted Claims

At the present time Microsoft asserts the claims listed below (“Asserted Claims”):

<u>U.S. Patent No.</u>	<u>Claims</u>
6,791,536	14, 16, 17, and 37 – 40
6,897,853	7 – 11
7,024,214	1, 3-6, 10, 14, 17, 19, 22 – 29, 32 – 34, 38, 39, 41 – 44, 46 – 52, and 54 – 56
7,493,130	1, 2, 4 – 8, 10, 11, 13, and 14 – 19
7,383,460	7 – 13
6,897,904	12 and 18 – 20
6,785,901	1 – 3, 5, 6, 8, 9, 11, 22, 23, 25, 27 – 29, 31, 33, and 35

Motorola has infringed, induced infringement of and/or contributorily infringed and continues to infringe, induce infringement of and/or contributorily infringe the Asserted Claims literally and/or under the doctrine of equivalents.

III. Accused Devices

In regards to U.S. Patent Nos. 6,791,536 (“the ’536 Patent”); 6,897,853 (“the ’853 Patent”); 7,024,214 (“the ’214 Patent”); 7,493,130 (“the ’130 Patent”); 7,383,460 (“the ’460 Patent”) Motorola’s infringing products (“Accused Devices”) include mobile devices, such as smartphones, associated software, and components thereof. The Accused Devices include Motorola’s Android based phones which include, but are not limited to, the Motorola Droid X, Droid 2, Droid 2 Global, Cliq 2, Defy, Bravo, Droid Pro, Droid 2 R2-D2, Droid X 2, Charm, Droid, Flipside, Flipout, Atrix, Droid Bionic, Xoom, Devour A555, Backflip, Cliq/Dext, Cliq

XT/Quench, Citrus, Spice, i1 and other Motorola Android based phones incorporating hardware and/or software that is substantially similar. Comparison of the Accused Devices to the asserted claims is set forth in detail in the attached infringement charts for the '536 Patent, the '853 Patent, the '214 Patent, the '130 Patent, and the '460 Patent.

In regards to U.S. Patent No. 6,897,904 (“the ‘904 Patent”), Motorola’s infringing products (“Accused Devices”) include Motorola set-top boxes with digital video recording (DVR) functionality and two or more tuners, as well as associated software. The Accused Devices include the DCH6416 and DCX3400 and other set-top boxes running software version 78.xx or substantially similar software. Comparison of the Accused Devices to the asserted claims is set forth in detail in the attached infringement chart for the ‘904 Patent.

In regards to U.S. Patent No. 6,785,901 (“the ‘901 Patent”), Motorola’s infringing products (“Accused Devices”) include Motorola Broadband Media Center set-top boxes with digital video recording (DVR) functionality and parental control functionality, as well as associated software. The Accused Devices include the BMC9012 and BMC9022D Moxi based set top boxes and other set-top boxes incorporating hardware and/or software that is substantially similar. Comparison of the Accused Devices to the asserted claims is set forth in detail in the attached infringement chart for the ‘901 Patent.

DATED this 15th day of April 2011.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2011, a true copy of the foregoing document was served upon the following counsel of record in the manner indicated.

Respectfully submitted,

/s/ Tung T. Nguyen

Tung T. Nguyen, Esq.

SERVICE LIST

Motorola Mobility, Inc. v. Microsoft Corp., Case No. 1:10-cv-24063-Moreno/Torres

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