
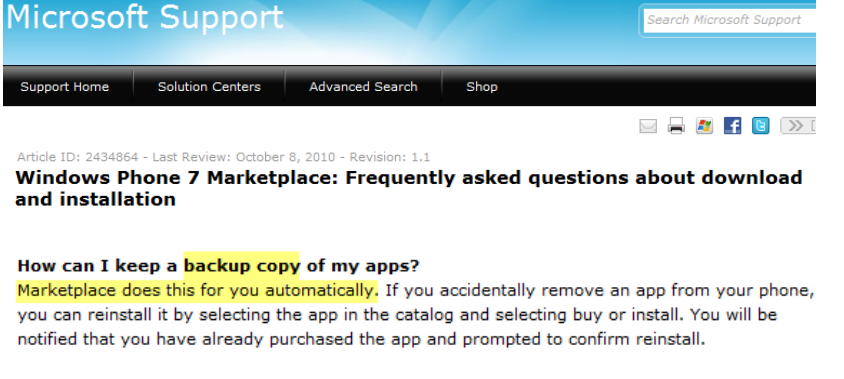
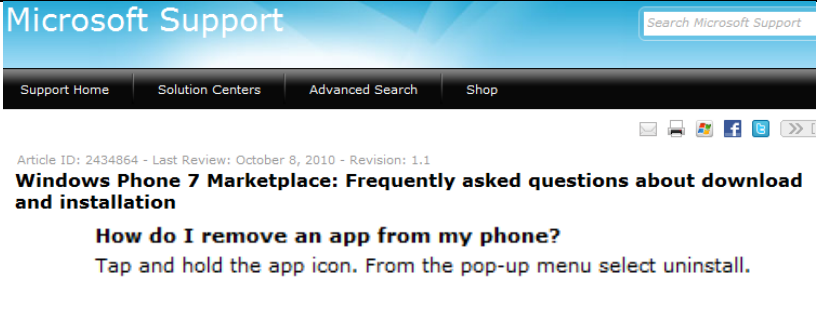
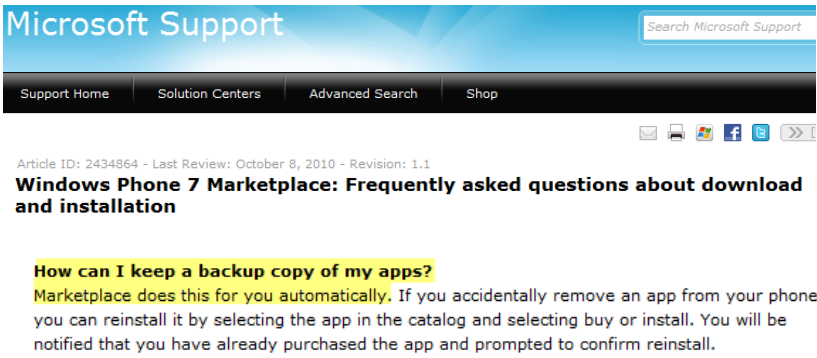


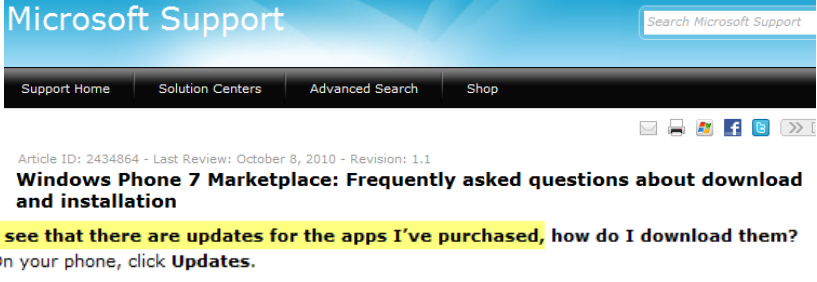
UNITED STATES PATENT NO. 6,272,333
INFRINGEMENT CLAIM CHART FOR CLAIMS 1, 3, 5-7, 12-13

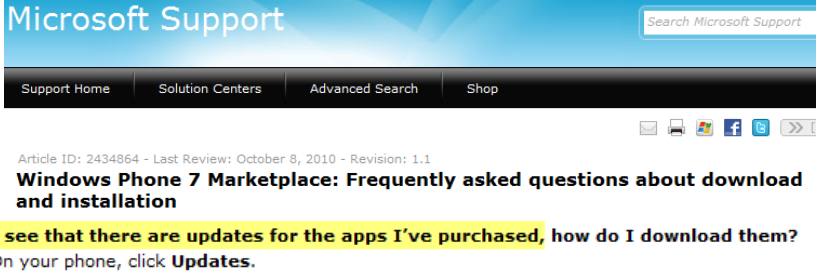
U.S. Pat. No. 6,272,333	Microsoft Windows Phone 7 and Windows Marketplace
<p>1. A method in a wireless communication system for controlling a delivery of data from a fixed portion of the wireless communication system to a subscriber unit</p>	<p>Upon information and belief, Windows Phone 7 and Windows Marketplace perform each and every limitation of this claim.</p> <p>Plaintiff herein refers to Windows Phone 7 by way of example only. Upon information and belief, Windows Mobile 6.5 and Windows Marketplace for Mobile also perform each and every limitation of this claim.</p>
<p>the method comprising in the subscriber unit the step of:</p>	<p>Upon information and belief, Microsoft sells its Windows Phone 7 operating system to manufacturers for installation on Smartphones such as Samsung, LG, HTC, and Dell. <i>See, e.g.</i>, Window Phone 7: Buy your phone, accessed at http://www.microsoft.com/windowsphone/en-us/buy/7/phones.aspx (reproduced below).</p> <div data-bbox="602 947 1360 1507" data-label="Image"> <p>The image is a screenshot of the Windows Phone website. At the top left is the Windows Phone logo. To its right are navigation links: 'Discover', 'Buy', 'How-to', and 'Apps'. Further right is a link for 'Windows Phone 7' and 'Windows Phone 6.5'. Below this is a row of four smartphone models, each with a photo and a short description:</p> <ul style="list-style-type: none"> LG Quantum™: Full QWERTY keyboard for faster, easier texting. 16 GB internal memory. Play To (or DUNA) software that lets you easily transfer photos & videos to your home entertainment system. <i>Buy from AT&T</i> HTC Surround™: Surround yourself with entertainment, wherever you go. Side-out speakers with SRS Dolby Mobile surround sound. Kickstand for hands-free viewing. 16 GB internal memory. <i>Buy from AT&T</i> HTC HD7: Seamlessly brings together work, play and family. Features the largest screen on a Windows Phone. Enjoy Netflix, T-Mobile TV, and Slacker Radio. <i>Buy from T-Mobile</i> Dell Venue Pro: Vertical QWERTY keyboard provides quick access. Scratch and shatter resistant screen. Available on the T-Mobile network, exclusively from Dell. <i>Buy from Dell</i> </div> <p>Windows Phone 7 Smartphones, like the HTC HD7, are subscriber units. <i>See, e.g.</i>, HTC HD7 Specification, accessed at http://www.htc.com/www/product/hd7/specification.html.</p>
<p>maintaining an application registry comprising a list of all software applications that</p>	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) maintains an application registry comprising a list of all software applications that are currently accessible to the subscriber unit.</p>

<p>are currently accessible to the subscriber unit; and</p>	<p>Specifically, upon information and belief, Windows Phone 7 allows a user to install, delete, update, and re-install applications. <i>See, e.g.,</i> Windows Phone 7: Get apps on your phone, accessed at http://www.microsoft.com/windowsphone/en-us/howto/wp7/apps/marketplace-hub.aspx (reproduced below).</p> <p style="text-align: center;">Get apps on your phone</p> <ol style="list-style-type: none"> 1 On Start, tap Marketplace . 2 Tap Apps. 3 Flick left or right to see top, new, or featured apps, or browse categories. When you find an app or game you want, tap it. 4 If you want to install a free app or game, tap Install twice to confirm and download it to your phone. <p>Upon information and belief, Windows Phone 7 maintains an application registry comprising a list of the software applications that are currently accessible to the subscriber unit, including those installed using the steps described above (or deleted, updated, or re-installed as applicable). As a specific non-limiting example, a user may view accessible applications. <i>See, e.g.,</i> Windows Phone 7: Get apps on your phone, accessed at http://www.microsoft.com/windowsphone/en-us/howto/wp7/apps/marketplace-hub.aspx (reproduced below).</p> <ol style="list-style-type: none"> 7 Look for your new apps in the App list (on Start, flick left). Look for your new games in the Games Hub (on Start, tap Games, and flick left to Collection).
<p>in the fixed portion of the wireless communication system, the steps of:</p>	<p>Upon information and belief, the wireless communication system includes a fixed portion, <i>e.g.,</i> the Windows Marketplace and any servers on which it runs. Windows Marketplace performs each of the recited steps.</p>
<p>keeping a current copy of the application registry of the subscriber unit;</p>	<p>Upon information and belief, the Marketplace keeps a current copy of the application registry of the subscriber unit. <i>See</i> Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below) (explaining that Marketplace keeps a backup copy of the subscriber unit's applications).</p>

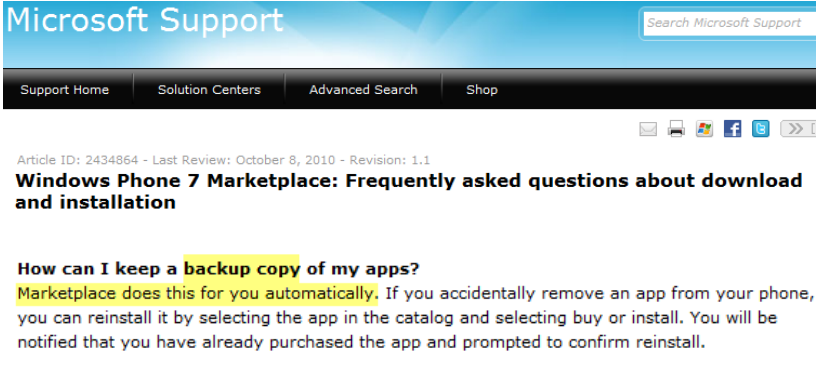
	 <p>Microsoft Support</p> <p>Search Microsoft Support</p> <p>Support Home Solution Centers Advanced Search Shop</p> <p>Article ID: 2434864 - Last Review: October 8, 2010 - Revision: 1.1</p> <p>Windows Phone 7 Marketplace: Frequently asked questions about download and installation</p> <p>How can I keep a backup copy of my apps?</p> <p>Marketplace does this for you automatically. If you accidentally remove an app from your phone, you can reinstall it by selecting the app in the catalog and selecting buy or install. You will be notified that you have already purchased the app and prompted to confirm reinstall.</p>
checking the current copy of the application registry in response to having the data to send to the subscriber unit; and	<p>Upon information and belief, the Marketplace checks the copy of the application registry in response to having data to send to the subscriber unit.</p> <p><i>See, e.g., claim 5[b][i-ii] below.</i></p>
sending the data only when the checking step determines that an application compatible with the data is accessible to the subscriber unit.	<p>Upon information and belief, the Marketplace sends the data only when the checking step determines that an application compatible with the data is accessible to the subscriber unit.</p> <p><i>See, e.g., claim 5[b][i-ii] below.</i></p>
3. The method of claim 1, wherein the maintaining step comprises, in response to a change in accessibility of an application, the steps of:	<p><i>See claim 1 above.</i></p>
updating the application registry; and	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) updates the application registry in response to a change in accessibility of an application, <i>e.g.</i>, the addition, deletion, updating, and/or re-installation of an application.</p> <p>As a specific non-limiting example, upon information and belief, Windows Phone 7 can update the application registry by removing an application from the registry when a user deletes that application. <i>See</i> Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below).</p>

	 <p>Upon information and belief, once the user of a subscriber unit has deleted an application according to the steps described above, for example, Windows Phone 7 updates the application registry so that the deleted application is removed. As a specific non-limiting example, the deleted application will no longer be available for viewing by a user.</p>
<p>communicating the change to the fixed portion of the wireless communication system.</p>	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) communicates the change to the Marketplace (a fixed portion of the wireless communication system). <i>See</i> Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below).</p>  <p>Upon information and belief, when a user installs, deletes, updates and/or re-installs an application, for example, Windows Phone 7 communicates this information to the Marketplace so that a “backup copy” of the information can be kept.</p>
<p>5. The method of claim 1, wherein the maintaining step comprises the step of</p>	<p><i>See</i> claim 1 above.</p>
<p>[a] registering an application version</p>	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) is capable of registering an application version</p>

<p>number for at least one of the applications accessible to the subscriber unit; and</p>	<p>number for at least one of the applications accessible to the Smartphone. <i>See</i> Updating Applications in Windows Phone Marketplace, accessed at http://msdn.microsoft.com/en-us/library/gg442301(v=VS.92).aspx?ppud=4&wa=wsignin1.0 (“The version number of your application is stored both in your application and in the Windows Phone Marketplace. . . . The version number of your application is stored in the manifest file.”).</p>
<p>[b] wherein the method further comprises, in the fixed portion of the wireless communication system, the steps of:</p>	<p>Upon information and belief, the wireless communication system includes a fixed portion, <i>e.g.</i>, the Windows Marketplace and any servers on which it runs. Windows Marketplace performs each of the recited steps.</p>
<p>[i] checking the application version number for the at least one of the applications in response to a predetermined stimulus; and</p>	<p>Upon information and belief, the Marketplace checks the application version number in response to a predetermined stimulus, for example, in response to the appearance of a new application version number (<i>i.e.</i>, an update) in the Marketplace.</p> <p><i>See</i> Updating Applications in Windows Phone Marketplace, accessed at http://msdn.microsoft.com/en-us/library/gg442301(v=VS.92).aspx?ppud=4&wa=wsignin1.0 (“If you make changes to your application, and you want to release the new version to users, keep in mind the following: . . . your users are notified automatically that there is an update available.”).</p> <p>Upon information and belief, the Marketplace checks the application version number in order to notify the users of old versions of the application that an update is available for them to access. <i>See, e.g.</i>, Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below).</p> 
<p>[ii] taking a predetermined action to trigger a software update when the application version number is an old</p>	<p>Upon information and belief, the Marketplace takes predetermined action, for example, issuing an update notification as discussed above, to trigger a software update when the application version is an old version.</p>

<p>version.</p>	<p>See Updating Applications in Windows Phone Marketplace, accessed at http://msdn.microsoft.com/en-us/library/gg442301(v=VS.92).aspx?ppud=4&wa=wsignin1.0 (“If you make changes to your application, and you want to release the new version to users, keep in mind the following: . . . your users are notified automatically that there is an update available.”).</p> <p>See, e.g., Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below).</p> 
<p>6. The method of claim 5,</p>	<p>See claim 5 above.</p>
<p>wherein the step of checking the application version number is performed in response to one of:</p> <p>a) a receipt of an update to the application registry of the subscriber unit which adds an application not present in the current copy,</p> <p>b) an appearance in the wireless communication system of a new application version number, and</p> <p>c) a registration of a new subscriber unit in the</p>	<p>Upon information and belief, the Marketplace checks the application version number at least in response to an appearance of a new application version number (<i>i.e.</i>, an update) in the wireless communication system (<i>i.e.</i>, in Marketplace).</p> <p>See Updating Applications in Windows Phone Marketplace, accessed at http://msdn.microsoft.com/en-us/library/gg442301(v=VS.92).aspx?ppud=4&wa=wsignin1.0 (“If you make changes to your application, and you want to release the new version to users, keep in mind the following: . . . your users are notified automatically that there is an update available.”).</p> <p>Upon information and belief, the Marketplace checks the application version number in order to notify users of the old versions of the application that an update is available for them to access.</p>

wireless communication system.	
U.S. Pat. No. 6,272,333	Windows Marketplace and Its Servers
7. A controller in a fixed portion of a wireless communication system for controlling a delivery of data to a subscriber unit which maintains an application registry comprising a list of all software applications that are currently accessible to the subscriber unit, the controller comprising:	<p>Upon information and belief, Windows Marketplace and any servers on which it runs meet each and every limitation of this claim and include a controller that controls the delivery of data to a subscriber unit.</p> <p>Plaintiff herein refers to Windows Marketplace by way of example only. Upon information and belief, Windows Marketplace for Mobile and any servers on which it runs also meet each and every limitation of this claim.</p>
a network interface for accepting the data from an originator;	<p>Upon information and belief, the controller includes a network interface for accepting data from an originator.</p> <p>Upon information and belief, application developers provide data to the Windows Marketplace via App Hub. <i>See, e.g.</i>, Publishing Applications to the Windows Phone Marketplace, accessed at http://msdn.microsoft.com/en-us/library/ff941089 (reproduced below) (explaining that App Hub is where an application developer “submit[s] and manage[s] . . . applications for distribution through the Windows Phone Marketplace”).</p> <p>▲ Register as a Windows Phone Developer</p> <p>App Hub is the website where you register for membership as a Windows Phone developer. App Hub is also where you submit and manage your applications for distribution through the Windows Phone Marketplace.</p>
a processing system coupled to the network interface for processing the data, the processing system comprising a memory; and	Upon information and belief, the controller includes a processing system (with a memory) that is coupled to the network interface.
a base station interface coupled to the processing system for controlling a base station to transmit the data;	<p>Upon information and belief, the controller includes a base station interface for controlling a base station to transmit data that is coupled to the processing system.</p> <p>Upon information and belief, a base station interface exists to</p>

	<p>enable transmission of data. <i>See, e.g.</i>, Updating Applications in Windows Phone Marketplace, accessed at http://msdn.microsoft.com/en-us/library/gg442301(v=VS.92).aspx (reproduced below) (“After your application is published, it appears in the Windows Phone Marketplace catalog. Consumers can buy and download your application from a centralized location and payments are automatically handled for you”).</p> <p>After your application is published, it appears in the Windows Phone Marketplace catalog. Consumers can buy and download your application from a centralized location and payments are automatically handled for you. For more information, see Publishing Applications to the Windows Phone Marketplace.</p>
<p>wherein the processing system is programmed to:</p>	<p>Upon information and belief, the processing system is programmed to meet each and every limitation of Claim 7.</p>
<p>keep in the memory a current copy of the application registry of the subscriber unit;</p>	<p>Upon information and belief, Windows Marketplace keeps a current copy of an application registry of the subscriber unit. <i>See</i> Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below) (explaining that Marketplace keeps a backup copy of the subscriber unit’s applications).</p> 
<p>check the current copy of the application registry in response to having the data to send to the subscriber unit; and</p>	<p>Upon information and belief, Windows Marketplace checks the copy of the application registry in response to having data to send to the subscriber unit.</p> <p><i>See, e.g.</i>, claim 5[b][i-ii] above.</p>
<p>send the data only when an application compatible with the data is</p>	<p>Upon information and belief, Windows Marketplace sends the data only when the checking step determines that an application compatible with the data is accessible to the subscriber unit.</p>

accessible to the subscriber unit.	<i>See, e.g., claim 5[b][i-ii] above.</i>
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U.S. Pat. No. 6,272,333	Smartphone with Microsoft Windows Phone 7
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12. A subscriber unit in a wireless communication system for controlling a delivery of data from a fixed portion of the wireless communication system, the subscriber unit comprising:

Upon information and belief, a Smartphone running Windows Phone 7 meets each and every limitation of this claim.



Upon information and belief, Microsoft sells its Windows Phone 7 operating system to manufacturers for installation on Smartphones such as Samsung, LG, HTC, and Dell. *See, e.g., Window Phone 7: Buy your phone*, accessed at <http://www.microsoft.com/windowsphone/en-us/buy/7/phones.aspx> (reproduced below).

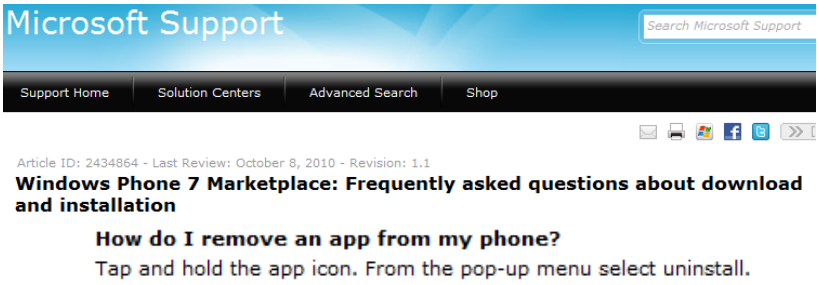


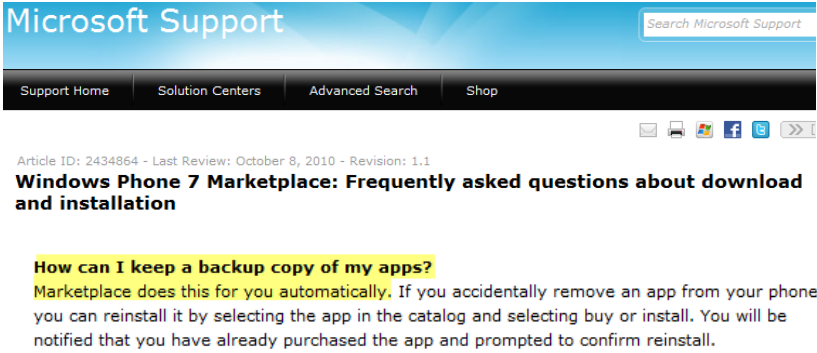
Windows Phone 7 Smartphones, like the HTC HD7, are subscriber units. *See, e.g., HTC HD7 Specification*, accessed at <http://www.htc.com/www/product/hd7/specification.html>.

Upon information and belief, Microsoft contributes to the infringement of this claim by manufacturing, marketing, and selling Windows Phone 7 for installation on Smartphones. Windows Phone 7 contains software that meets each and every element of this claim and has no substantial non-infringing use. Upon information and belief, Microsoft induces infringement of this claim by manufacturing, marketing, and selling Windows Phone 7 for installation on Smartphones. Microsoft specifically intends and encourages Smartphone manufacturing companies to include Windows Phone 7 in their devices and to infringe by

	<p>advertising the benefits of the operating system and consummating such sales.</p> <p>Plaintiff herein refers to Windows Phone 7 by way of example only. Upon information and belief, a Smartphone running Windows Mobile 6.5 also performs each and every limitation of this claim.</p>
<p>a receiver for receiving the data;</p>	<p>Upon information and belief, a Smartphone operating with Windows Phone 7 has a receiver.</p> <p>The HTC HD7, for example, includes a receiver for obtaining messages via 3G, “Wi-Fi,” and “Bluetooth.” <i>See, e.g.</i>, HTC HD7 Specification, accessed at http://www.htc.com/www/product/hd7/specification.html.</p>
<p>a processing system coupled to the receiver for processing the data; and</p>	<p>Upon information and belief, a Smartphone operating with Windows Phone 7 has a processing system coupled to the receiver.</p> <p>The HTC HD7, for example, includes a 1 GHz processor. <i>See, e.g.</i>, HTC HD7 Specification, accessed at http://www.htc.com/www/product/hd7/specification.html.</p> <p>Upon information and belief, the processing system of a Smartphone running Windows Phone 7 employs the Windows Phone 7 operating system and is programmed thereby.</p> <p>The HTC HD7, for example, utilizes the “Windows Phone 7 OS” Platform. <i>See, e.g.</i>, HTC HD7 Specification, accessed at http://www.htc.com/www/product/hd7/specification.html.</p>
<p>a transmitter coupled to the processing system for communicating with the fixed portion of the wireless communication system,</p>	<p>Upon information and belief, a Smartphone operating with Windows Phone 7 has a transmitter coupled to the processing system.</p> <p>The HTC HD7, for example, includes a transmitter for transmitting messages via 3G, “Wi-Fi,” and “Bluetooth.” <i>See, e.g.</i>, HTC HD7 Specification, accessed at http://www.htc.com/www/product/hd7/specification.html.</p> <p>Upon information and belief, the transmitter is capable of communication with the Windows Marketplace, which is a fixed portion of the wireless communication system.</p> <p>Windows Phone 7 can communicate with the Marketplace in order to, for example, install applications. <i>See, e.g.</i>, Windows Phone 7:</p>

	<p>Get apps on your phone, accessed at http://www.microsoft.com/windowsphone/en-us/howto/wp7/apps/marketplace-hub.aspx (reproduced below).</p> <p>Get apps on your phone</p> <ol style="list-style-type: none"> 1 On Start, tap Marketplace . 2 Tap Apps. 3 Flick left or right to see top, new, or featured apps, or browse categories. When you find an app or game you want, tap it. 4 If you want to install a free app or game, tap Install twice to confirm and download it to your phone.
<p>wherein the processing system is programmed to:</p>	<p><i>See below.</i></p>
<p>maintain an application registry comprising a list of all software applications that are currently accessible to the subscriber unit; and</p>	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) is programmed to maintain an application registry comprising a list of all software applications that are currently accessible to the device.</p> <p>Specifically, upon information and belief, Windows Phone 7 allows a user to install, delete, update, and re-install applications. <i>See, e.g.,</i> Windows Phone 7: Get apps on your phone, accessed at http://www.microsoft.com/windowsphone/en-us/howto/wp7/apps/marketplace-hub.aspx (reproduced below).</p> <p>Get apps on your phone</p> <ol style="list-style-type: none"> 1 On Start, tap Marketplace . 2 Tap Apps. 3 Flick left or right to see top, new, or featured apps, or browse categories. When you find an app or game you want, tap it. 4 If you want to install a free app or game, tap Install twice to confirm and download it to your phone. <p>Upon information and belief, Windows Phone 7 maintains an application registry comprising a list of the software applications that are currently accessible to the subscriber unit, including those installed using the steps described above (or deleted, updated, or re-installed as applicable). As a specific non-limiting example, a user may view accessible applications. <i>See, e.g.,</i> Windows Phone</p>

	<p>7: Get apps on your phone, accessed at http://www.microsoft.com/windowsphone/en-us/howto/wp7/apps/marketplace-hub.aspx (reproduced below).</p> <p>7 Look for your new apps in the App list (on Start, flick left). Look for your new games in the Games Hub (on Start, tap Games, and flick left to Collection).</p>
<p>in response to a change in accessibility of an application,</p>	<p>See below.</p>
<p>update the application registry; and</p>	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) is programmed to update the application registry in response to a change in accessibility of an application, <i>e.g.</i>, the addition, deletion, updating, and/or re-installation of an application.</p> <p>As a specific non-limiting example, upon information and belief, Windows Phone 7 can update the application registry by removing an application from the registry when a user deletes that application. See Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below).</p>  <p>Upon information and belief, once the user has deleted an application according to the steps described above, for example, the application registry is updated so that the deleted application is removed. As a specific non-limiting example, the deleted application will no longer be available for viewing by a user.</p>
<p>control the transmitter to communicate the change to the fixed portion of the wireless communication system.</p>	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) is capable of controlling the Smartphone's transmitter to communicate the change to the Windows Marketplace (a fixed portion of the wireless communication system). See Windows Phone 7 Marketplace: Frequently asked questions about download and installation, accessed at http://support.microsoft.com/kb/2434864 (reproduced below).</p>

	 <p>Article ID: 2434864 - Last Review: October 8, 2010 - Revision: 1.1</p> <p>Windows Phone 7 Marketplace: Frequently asked questions about download and installation</p> <p>How can I keep a backup copy of my apps? Marketplace does this for you automatically. If you accidentally remove an app from your phone, you can reinstall it by selecting the app in the catalog and selecting buy or install. You will be notified that you have already purchased the app and prompted to confirm reinstall.</p> <p>Upon information and belief, when a user installs, deletes, updates and/or re-installs an application, for example, the processing system controls the transmitter to send this information to the Marketplace so that a “backup copy” of the information can be kept.</p>
<p>13. The subscriber unit of claim 12, wherein the processing system is further programmed to</p>	<p>See claim 12 above.</p>
<p>register an application version number for at least one of the applications accessible to the subscriber unit.</p>	<p>Upon information and belief, Windows Phone 7 (running on a Smartphone) is capable of registering an application version number for at least one of the applications accessible to the Smartphone. See Updating Applications in Windows Phone Marketplace, accessed at http://msdn.microsoft.com/en-us/library/gg442301(v=VS.92).aspx?ppud=4&wa=wsignin1.0 (“The version number of your application is stored both in your application and in the Windows Phone Marketplace. . . . The version number of your application is stored in the manifest file.”).</p>