

Exhibit 1118

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 PRELIMINARY
CLAIM CONSTRUCTIONS FOR THE PATENTS-IN-SUIT**

Pursuant to the Joint Motion To Include Pretrial Dates On Claim Construction And Expert Discovery, filed April 10, 2011, Motorola Mobility, Inc. (“Motorola Mobility”) submits the attached preliminary claim constructions for the patents-in-suit.

Motorola Mobility’s constructions are preliminary, and subject to amendment or supplementation as a result of further analysis, ongoing discovery, and in response to 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. Moreover, Motorola Mobility reserves the right to respond to constructions provided by Microsoft for specific terms and phrases that Motorola Mobility did not construe within the broader phrases identified herein.

Charts setting forth Motorola Mobility’s constructions for the Motorola Asserted Patents are attached at Exhibit 1, and for the Microsoft Counterclaim Patents at Exhibit 2.

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CERTIFICATE OF SERVICE

I hereby certify that on May 6, 2011, copies of the foregoing Plaintiff Motorola Mobility, Inc.'s Preliminary 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
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SERVICE LIST

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

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Exhibit 1

MOTOROLA'S PRELIMINARY CLAIM CONSTRUCTIONS
U.S. PATENT NO. 6,272,333 (SMITH)

CLAIM ELEMENT	PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE	EXTRINSIC EVIDENCE
“subscriber unit”	A portable device for use in a wireless communication system	<p>As subscriber units become increasingly user customizable with enhanced software application upgradability . . . 1:20-21</p> <p>The subscriber unit comprises a receiver for receiving the data, and a processing system coupled to the receiver for processing the data. The subscriber unit further comprises a transmitter coupled to the processing system for communicating with the fixed portion of the wireless communication system. 2:13-18</p> <p>The base stations 116 preferably communicate with the subscriber units 122 utilizing conventional radio frequency (RF) techniques . . . 2:48-50</p> <p>The subscriber units 122 are preferably similar to PageWriter™ 2000 data messaging units, also manufactured by Motorola, Inc., and having software modified in accordance with the present invention. 2:61-64</p> <p>The RF signals transmitted by the base stations 116 to the subscriber units 122 (outbound messages) comprise selective call addresses identifying the subscriber</p>	

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		<p>units 122, and data messages originated by a message originator, as well as commands originated by the controller 122 for adjusting operating parameters of the radio communication system. 3:4-10</p> <p>The over-the-air protocol utilized for outbound and inbound messages is preferably selected from Motorola's well-known FLEX™ family of digital selective call signaling protocols. 3:25-28</p> <p>The subscriber unit 122 comprises an antenna 204 for intercepting an outbound message and for transmitting an inbound message. The antenna 204 is coupled to a conventional receiver 208 for receiving the outbound message and coupled to a conventional transmitter 209 for transmitting the inbound message. 3:37-42</p> <p>See Fig. 1 – subscriber units communicate with base stations</p> <p>See Fig. 2 – subscriber unit includes receiver, transmitter, processing system (processor + memory), user interface, external device interface, antenna</p> <p>Fig. 1 is an electrical block diagram of an exemplary wireless messaging system . . .</p>	

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		[comprising] a plurality of portable subscriber units 122. The base stations 116 preferably communicate with the subscriber units 122. . . . The subscriber units 122 are conventional selective call receivers . . . It will be appreciated that other similar hardware can be utilized as well for the . . . the portable subscriber units 122. Each of the base stations 116 transmits RF signals to the portable subscriber units 122 and wireless modems 124 via an antenna 118. The RF signals transmitted by the base stations 116 (outbound messages) preferably comprise selective call addresses identifying the portable subscriber units 122 and the wireless modems 124, and data messages originated by callers and computer systems, as well as commands originated by the controller 112 for adjusting operating parameters of the radio communication system. – Smith '085 at 2:31 – 3:7 (cited on the face of the '333 patent)	
“application registry comprising a list of all software applications that are currently accessible to the subscriber unit”	A portion of memory that includes a list of all software applications that are immediately available for use by the subscriber unit	The memory 212 further comprises an application registry 226 . . . [which] comprises a list of applications that are accessible to the subscriber unit 122. The application registry 226 comprises a list of applications that are accessible to the	Webster’s New World Dictionary of Computer Terms, 7th Edition, ©1999 at 452-453 – register = “A memory location within a microprocessor, used to store values and external memory addresses while the microprocessor

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		<p>subscriber unit 122. The applications can reside either internal to or external to the subscriber unit 122, e.g., in a personal computer to which the subscriber unit 122 is connected. In addition, the application registry 226 preferably includes an application version number corresponding to each application. The memory 212 also includes an updater element 228 for programming the processing system 206 to control the transmitter 209 to communicate a change in the application registry 226 to the fixed portion 102 of the wireless communication system. 3:65 – 4:11</p> <p>The predetermined stimulus can be, for example, the receipt of an update to the application registry 226 of the subscriber unit 122 which adds an application not present in the current copy 324. This can occur when a user purchases and installs a new application, or when the user connects the subscriber unit 122 to a previously disconnected external device. 4:60-66</p> <p>FIG. 4 is a flow diagram 400 depicting operation of the subscriber unit 122 for maintaining the application registry 25 in accordance with the present invention.</p>	<p>performs logical and arithmetic operations on them. A larger number of registers enables a microprocessor to handle more information at one time”</p> <p>Random House Webster’s Computer & Internet Dictionary, Third Edition, ©1999 at 473 – register = “1. A special high-speed storage area within the CPU. All data must be represented in a register before it can be processed . . .”</p>

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		<p>At step 404 the processing system 206 of the subscriber unit 122 registers the applications accessible to the subscriber unit 122, along with the corresponding application version numbers, into the application registry 226. The processing system 206 then monitors the status of the subscriber unit 122 to determine 406 whether a change in the accessibility of an application has occurred, e.g., through the installation of a new application, or through coupling the subscriber unit 122 to a previously uncoupled external device 230, or through uncoupling the subscriber unit 122 from a previously coupled external device 230. At step 408, if a change in the accessibility of an application has occurred, then the processing system 206 accesses the updater element 228 and updates 410 the application registry 226. 5:24-40</p> <p>See Fig. 2 – Memory 212 includes application registry 226</p> <p>See Fig. 4, step 404 – “SU registers applications and application version number of applications accessible to SU”</p> <p>Prosecution History Paper No. 4 at 2-3; Paper No. 6 at 2-3 (showing claim</p>	

CLAIM ELEMENT	PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE	EXTRINSIC EVIDENCE
		amendments)	
“data”	Digital information	<p>See Title – “Method And Apparatus In A Wireless Communication System For Controlling A Delivery Of Data”</p> <p>See Abstract, Field Of The Invention, and Summary of the Invention</p> <p>Prior art messaging systems have utilized specific vector types such as tone-only, numeric, and alphanumeric to control the type of data the fixed portion of the messaging system would send to a specific subscriber unit. 1:14-17</p> <p>Further, it is unlikely that all subscriber units of a specific type will have identical applications having identical application version numbers. Nonetheless, it remains desirable not to send data to a subscriber unit that the subscriber unit cannot utilize. 1:25-29</p> <p>The RF signals transmitted by the base stations 116 to the subscriber units 122 (outbound messages) comprise selective call addresses identifying the subscriber units 122, and data messages originated by a message originator, as well as commands originated by the controller 112 for adjusting operating parameters of</p>	<p>Microsoft Press Computer User’s Dictionary ©1998 at 93 – data = “Plural of the Latin <i>datum</i>, meaning an item of information. In practice, the term data is often used as the singular as well as the plural form of the noun.”</p> <p><i>Pinpoint v. Amazon</i>, No. 03-c-17641, 2004 U.S. Dist. LEXIS 17641, at *15-18 (N.D. Ill. Aug. 31, 2004), <i>vacated on other grounds</i>, 347 F. Supp. 2d 579 (N.D. Ill. 2004) – data = “information”</p> <p>Webster’s New World Dictionary of Computer Terms, 7th Edition, ©1999 at 137 – data = “Factual information (such as text, numbers, sounds, and images) in a form that can be processed by a computer. . .”</p> <p>IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, 7th Edition, ©2000 at 267-268 – data = “(5) A representation of facts, concepts, or instructions in a formalized manner suitable for communication, interpretation, or processing by humans</p>

CLAIM ELEMENT	PROPOSED CONSTRUCTION	INTRINSIC EVIDENCE	EXTRINSIC EVIDENCE
		<p>the radio communication system. The RF signals preferably transmitted by the subscriber units 122 to the base stations 116 (inbound messages) comprise responses that include scheduled messages, such as positive acknowledgments (ACKs) and negative acknowledgments (NAKs), and unscheduled messages, such as registration requests and application registry updates, in accordance with the present invention. 3:4-17</p> <p>An example of [the controller's processing system] taking a predetermined action to trigger a software update when the application version number is an old version, is generating a notification message to the users corresponding to the old version. . . [or] automatically download[ing] the new version over the air . . . [or] disable[ing] the currently running application when it is no longer being supported by the wireless communication system. 5:6-18</p> <p>At step 534 the processing system 310 checks whether the user of the subscriber unit 122 requested the data. If so, the processing system 310 holds the data in the mass medium 314, and notifies the</p>	<p>or automatic means; (6) Representations of static or dynamic entities in a formalized manner suitable for communication, interpretation, or processing by humans or by machines.”</p>

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		<p>user that the data is being held ... If, on the other hand, at step 534 the user did not request the data, then the processing system 310 discards 538 the data and informs the sender about the compatibility problem. 6:22-30</p> <p>If, at step 612, the application version is old, the processing system 310 takes 618 a predetermined action, as described above, to trigger a software update. 6:54-56</p> <p>Thus, it should be clear from the preceding disclosure that the present invention provides a method and apparatus for controlling the delivery of data from the fixed portion of a messaging system to a subscriber unit. 7:6-9</p> <p>See steps depicted in Figs. 5-6 and accompanying text</p>	
“controlling a delivery of data”	Managing whether and when data is delivered	<p>See Title – “Method And Apparatus In A Wireless Communication System For Controlling A Delivery Of Data”</p> <p>Prior art messaging systems have utilized specific vector types such as tone-only, numeric, and alphanumeric to control the type of data the fixed portion of the</p>	

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		<p>messaging system would send to a specific subscriber unit. 1:14-17</p> <p>Further, it is unlikely that all subscriber units of a specific type will have identical applications having identical application version numbers. Nonetheless, it remains desirable not to send data to a subscriber unit that the subscriber unit cannot utilize. 1:25-29</p> <p>Thus, what is needed is a method and apparatus for controlling the delivery of data from the fixed portion of the messaging system to the subscriber unit. 1:30-32</p> <p>An aspect of the present invention is 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. 1:43-46</p> <p>Another aspect of the present invention is 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 for registering applications accessible to the subscriber</p>	

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		<p>unit. 1:59-63</p> <p>Another aspect of the present invention is a subscriber unit in a wireless communication system for controlling a delivery of data from a fixed portion of the wireless communication system.</p> <p>2:10-14</p> <p>Thus, it should be clear from the preceding disclosure that the present invention provides a method and apparatus for controlling the delivery of data from the fixed portion of a messaging system to a subscriber unit.</p> <p>7:6-9</p>	
“fixed portion of the wireless communication system”	The stationary portion of the wireless communication system that includes base stations and a controller	<p>Prior art messaging systems have utilized specific vector types such as tone-only, numeric, and alphanumeric to control the type of data the fixed portion of the messaging system would send to a specific subscriber unit.</p> <p>1:14-17</p> <p>An aspect of the present invention is 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>1:43-46</p> <p>Another aspect of the present invention</p>	<p>McGraw Hill Dictionary of Scientific & Technical Terms, 5th Edition, ©1994 at 765 – fixed transmitter = “Transmitter that is operated in a fixed or permanent location”</p>

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		<p>is 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 for registering applications accessible to the subscriber unit. 1:59-63</p> <p>Referring to FIG. 1, an electrical block diagram depicts an exemplary wireless communication system in accordance with the present invention comprising a fixed portion 102 including a controller 112 and a plurality of conventional base stations 116, the communication system also including a plurality of subscriber units 122. 2:43-48</p> <p>Thus, it should be clear from the preceding disclosure that the present invention provides a method and apparatus for controlling the delivery of data from the fixed portion of a messaging system to a subscriber unit. 7:6-9</p> <p>See Fig. 1 – fixed portion (102), with base stations and a controller, communicates with PSTN and subscriber units</p> <p>FIG. 1 is an electrical block diagram of an exemplary wireless messaging system</p>	

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		in accordance with the present invention, comprising a fixed portion 102 including a controller 112 and a plurality of base stations 116, the messaging system also including a plurality of portable subscriber units 122. Smith '085 at 2:32-37 (cited on face of '333 patent)	