

quinn emanuel trial lawyers | washington, dc

1299 Pennsylvania Avenue NW, Suite 825, Washington, District of Columbia 20004-2400 | TEL: (202) 538-8000 FAX: (202) 538-8100

WRITER'S DIRECT DIAL NO.
(202) 538-8104

WRITER'S INTERNET ADDRESS
alexlasher@quinnemanuel.com

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August 17, 2012

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2910
Office of the Secretary Int'l Trade Commission

VIA HAND DELIVERY AND EDIS

The Honorable Lisa R. Barton
Acting Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Re: *Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers, and Components Thereof, Docket No. _____*

Dear Acting Secretary Barton:

Enclosed for filing on behalf of Motorola Mobility LLC (f/k/a Motorola Mobility, Inc.) ("Mobility"), Motorola Mobility Ireland ("Mobility Ireland"), and Motorola Mobility International Limited ("Mobility International") (collectively, "Complainants"), please find the following documents in support of Complainants' request that the U.S. International Trade Commission institute an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, concerning certain wireless communication devices, portable music and data processing devices, computers, and components thereof. A request for confidential treatment of Confidential Exhibits A through E is included with this submission by separate letter. This submission includes:

1. One (1) original and eight (8) true paper copies of Complainants' Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i).

quinn emanuel urquhart & sullivan, llp

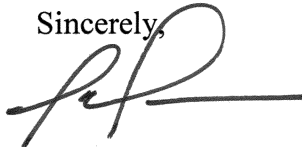
LOS ANGELES | 865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543 | TEL (213) 443-3000 FAX (213) 443-3100
NEW YORK | 51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100
SAN FRANCISCO | 50 California Street, 22nd Floor, San Francisco, California 94111-4788 | TEL (415) 875-6600 FAX (415) 875-6700
SILICON VALLEY | 555 Twin Dolphin Drive, 5th Floor, Redwood Shores, California 94065-2139 | TEL (650) 801-5000 FAX (650) 801-5100
CHICAGO | 500 W. Madison Street, Suite 2450, Chicago, Illinois 60661-2510 | TEL (312) 705-7400 FAX (312) 705-7401
LONDON | 16 Old Bailey, London EC4M 7EG, United Kingdom | TEL +44 20 7653 2000 FAX +44 20 7653 2100
TOKYO | NBF Hibiya Building, 25F, 1-1-7, Uchisaiwai-cho, Chiyoda-ku, Tokyo 100-0011, Japan | TEL +81 3 5510 1711 FAX +81 3 5510 1712
MANNHEIM | Mollstraße 42, 68165 Mannheim, Germany | TEL +49 621 43298 6000 FAX +49 621 43298 6100
MOSCOW | Voentorg Building, 3rd Floor, 10 Vozdvizhenka Street, Moscow 125009, Russia | TEL +7 495 797 3666 FAX +7 495 797 3667
HAMBURG | An der Alster 3, 20099 Hamburg, Germany | TEL +49 40 89728 7000 FAX +49 40 89728 7100

2. One (1) electronic copy of the non-confidential exhibits to the Verified Complaint, pursuant to Commission Rule 210.8(a)(1)(i).
3. One (1) electronic copy of the confidential exhibits to the Verified Complaint, pursuant to Commission Rules 201.6© and 210.8(a)(1)(ii).
4. One (1) additional copy of the Verified Complaint and, separately, accompanying confidential and non-confidential exhibits for service upon Proposed Respondent Apple Inc., pursuant to Commission Rules 201.6© and 210.8(a)(1)(iii).
5. One (1) certified copy each of U.S. Patent Nos. 5,883,580 (“the ‘580 patent”), 5,922,047 (“the ‘047 patent”), 6,425,002 (“the ‘002 patent”), 6,983,370 (“the ‘370 patent”), 7,007,064 (“the ‘064 patent”), and 7,383,983 (“the ‘983 patent”), included with the Verified Complaint as Exhibits 1-3 and 5-7, respectively, pursuant to Commission Rule 210.12(a)(9)(i). One (1) copy of U.S. Patent No. 6,493,673 (“the ‘673 patent”) is also included with the Verified Complaint as Exhibit 4. Complainants have ordered a certified copy of this patent, which Complainants will submit upon receipt.
6. One (1) certified copy and three (3) additional electronic copies of the U.S. Patent and Trademark Office prosecution histories for each of the ‘580, ‘047, ‘002, ‘370, ‘064, and ‘983 patents, included with the Verified Complaint as Appendices 1-3 and 5-7, respectively, pursuant to Commission Rule 210.12©(1). Four (4) copies of the U.S. Patent and Trademark Office prosecution history for the ‘673 patent is also included with the Verified Complaint as Appendix 4. Complainants have ordered a certified copy of this prosecution history, which Complainants will submit upon receipt.
7. One (1) certified copy of the assignment records for each of the ‘580, ‘047, ‘002, ‘370, ‘064, and ‘983 patents, included with the Verified Complaint as Exhibits 8-10, and 12-14, respectively, as well as a certified copy of the patents’ assignment to Motorola Mobility, Inc., included with the Verified Complaint as Exhibit 15, and a copy of a certificate of conversion from Motorola Mobility, Inc. to Motorola Mobility LLC, included with the Verified Complaint as Exhibit 16, pursuant to Commission Rule 210.12(a)(9)(ii). One (1) copy of the assignment of the parent of the ‘673 patent and all divisions, extensions, continuations, or reissues thereof is also included with the Verified Complaint as Exhibit 11. Complainants have ordered a certified copy of this assignment record, which Complainants will submit upon receipt.
8. Four (4) electronic copies of each patent and applicable pages of each technical reference mentioned in the prosecution histories for each of the ‘580, ‘047, ‘002, ‘673, ‘370, ‘064, and ‘983 patents, included with the Verified Complaint as Appendices 8-14, respectively, pursuant to Commission Rule 210.12(c)(2).

9. A letter and certification requesting confidential treatment for the information contained in Confidential Exhibits A through E to the Verified Complaint, pursuant to Commission Rule 201.6(b) and 210.5(d).
10. A Statement on the Public Interest with respect to the remedial orders Motorola seeks in the Verified Complaint, pursuant to Commission Rule 210.8(b).

Thank you for your attention to this matter. Please contact me with any questions regarding this submission.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Alex Lasher', with a long horizontal stroke extending to the right.

S. Alex Lasher

*Attorney for Complainants Motorola Mobility LLC,
Motorola Mobility Ireland, and Motorola Mobility
International Limited*

Enclosures

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The Honorable Lisa R. Barton
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500 E Street, SW
Washington, DC 20436

Re: *Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers, and Components Thereof, Docket No. _____*

Dear Acting Secretary Barton:

Quinn Emanuel Urquhart & Sullivan, LLP represents Complainants Motorola Mobility LLC (f/k/a Motorola Mobility, Inc.) (“Mobility”), Motorola Mobility Ireland (“Mobility Ireland”), and Motorola Mobility International Limited (“Mobility International”) (collectively, “Complainants”) in accordance with above-referenced Verified Complaint filed pursuant to Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

Pursuant to Commission Rules 201.6(b) and 210.5(d), Complainants respectfully request confidential treatment of the information contained in Confidential Exhibits A through E to Complainants’ Verified Complaint. The information contained in these exhibits qualifies as confidential business information under Commission Rule 201.6 because these exhibits disclose proprietary commercial information, proprietary commercial relationships, and/or proprietary business information not otherwise publicly available and because the disclosure of this

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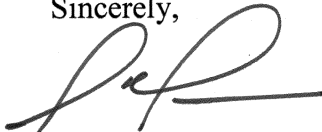
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HAMBURG | An der Alster 3, 20099 Hamburg, Germany | TEL +49 40 89728 7000 FAX +49 40 89728 7100

information would cause substantial harm to Complainants and impair the Commission's future ability to obtain such types of information in carrying out its statutory duties.

I certify that the confidential business information in Confidential Exhibits A through E or substantially-identical information is not reasonably available to the public and warrants confidential treatment under Commission Rule 201.6.

Thank you for your attention to this matter. Please contact me with any questions regarding this submission.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Alex Lasher', with a long horizontal stroke extending to the right.

S. Alex Lasher

*Attorney for Complainants Motorola Mobility LLC,
Motorola Mobility Ireland, and Motorola Mobility
International Limited*

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of

**CERTAIN WIRELESS
COMMUNICATION DEVICES,
PORTABLE MUSIC and DATA
PROCESSING DEVICES, COMPUTERS,
AND COMPONENTS THEREOF**

Investigation No. 337-TA- _____

COMPLAINANTS' STATEMENT ON THE PUBLIC INTEREST

Pursuant to International Trade Commission ("Commission") Rule § 210.8(b), Motorola Mobility LLC (f/k/a Motorola Mobility, Inc.) ("Mobility"), Motorola Mobility Ireland ("Mobility Ireland"), and Motorola Mobility International Limited ("Mobility International") (collectively, "Complainants") submit this Statement on the Public Interest with respect to the remedial orders it seeks against proposed Respondent Apple Inc. ("Apple" or "Respondent").

Complainants seek a permanent exclusion order specifically directed to Respondent excluding from entry into the United States certain wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more asserted claims of United States Patent Nos. 5,883,580 ("the '580 Patent"), 5,922,047 ("the '047 Patent"), 6,425,002 ("the '002 patent"), 6,493,673 ("the '673 Patent"), 6,983,370 ("the '370 Patent"), 7,007,064 ("the '064 Patent"), and 7,383,983 ("the '983 Patent") (collectively the "Asserted Patents"). Complainants also seek a permanent cease and desist order prohibiting Respondent from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, sale after importation, or other transfer within the United States of certain wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more asserted claims of the '580 Patent, the '047 Patent, the '002 Patent, the '673 Patent, the '370 Patent, the '064 Patent, and the '983

Patent. If the Commission grants these remedial orders as a result of this Investigation there will be little or no negative effect on the public interest. In fact, the public interest is served by granting the requested remedial orders.

I. THE REQUESTED REMEDIAL ORDERS ARE IN ACCORD WITH THE PUBLIC INTEREST

The public interest in protecting intellectual property rights is very strong. *Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chip, Power Control Chips*, Inv. No. 337-TA-543, Comm'n Op., 2007 ITC LEXIS 621 at *240 (June 19, 2007). In the few instances where the Commission found an adverse impact on the public interest that was significant enough to deny relief, "the exclusion order was denied because inadequate supply within the United States—by both the patentee and domestic licensees— meant that an exclusion order would deprive the public of products necessary for some important health or welfare need . . ." *Spansion, Inc. v. ITC*, 629 F.3d 1331, 1360 (Fed. Cir. 2010). Here, however, the requested remedial orders would not be contrary to the public interest because: (1) the accused devices are not necessary to the public health or welfare; (2) Mobility already sells articles that directly compete with, and are substitutes for, Respondent's infringing products in the United States; (3) only a subset of the industry selling or offering for sale certain wireless communications devices, portable music and data processing devices, computers, and components thereof in the United States would be barred; and (4) Mobility and others could easily fill any void in the market created by the requested remedial orders. As such, the strong public interest in protecting Complainants' intellectual property rights outweighs any adverse impact on the public.

A. How the articles potentially subject to the requested remedial orders are used in the United States.

Complainants seek to prevent Respondent from importing certain wireless communications devices, portable music and data processing devices, computers, and

components thereof that infringe Complainants' intellectual property. The accused devices are used as communication devices, as digital cameras to capture and store images, and/or have multiple other functionalities including playing media and games, and browsing the web. These combined functionalities are widely available in many products which Mobility manufactures and in other products on the market.

B. Identify any public health, safety, or welfare concerns relating to the requested remedial orders.

The remedial orders that Complainants are requesting, if granted, will generate no public health, safety, or welfare concerns. Preventing the importation into the United States of the proposed Respondent's supply of certain wireless communications devices, portable music and data processing devices, computers, and components thereof will not have a significant impact on the market for these products. Additionally, the accused products in this Investigation are not medical devices, pharmaceuticals, or vaccines, or otherwise, health-related. Rather, wireless communications devices, portable music and data processing devices, and computers are luxury devices that offer the convenience of combined functionality found in separate devices widely available from many sources.

C. Identify like or directly competitive articles that complainant, its licensees, or third parties make which could replace the subject articles if they were excluded.

The accused products in this Investigation are generally wireless communications devices, portable music and data processing devices, and computers. In this Investigation, Complainants have accused only one supplier to the United States market of these products. As such, there are many directly competitive articles, both from Mobility as well as other third parties, that could replace the accused products if they were excluded in the United States. For example, Mobility's smartphones and tablets are directly competitive articles to many of

Respondent's accused products. Moreover, there are many companies that supply the U.S. market with products that are directly competitive to Respondent's accused products.

D. Indicate whether the complainant, its licensees, and/or third parties have the capacity to replace the volume of articles subject to the requested remedial orders in a commercially reasonable time in the United States.

It is well established that the presence of an adequate supply of substitute products is sufficient to override any public interest concerns. *Certain Lens-Fitted Film Packages* ("LFFPs"), Inv. No. 337-TA-406, Comm'n. Op., 1991 ITC LEXIS 202 at *40 (June 28, 1999). Mobility and other third parties will be able to easily fill a void caused by the exclusion of the accused devices. Mobility is one of the largest wireless communication device manufacturers in the world, with vast resources at its disposal, that already makes and sells a significant portion of the directly competitive articles for the U.S. market.

Mobility and other third parties have the capacity to quickly replace the volume of articles subject to the requested remedial orders. Mobility's replacement of excluded articles would entail little or no delay due to its current manufacturing and distribution activity levels. Additionally, there are many parties other than the proposed Respondent that supply the U.S. market with directly competitive articles.

E. State how the requested remedial orders would impact consumers.

With so many participants in the highly competitive wireless communication, portable music, and computer market, it is unlikely that consumers would experience much of an impact if the requested exclusion orders were obtained. Even if the exclusion order caused an increase in the price of wireless communications devices, portable music and data processing devices, computers, and components thereof – an unlikely event – a price increase alone is insufficient to warrant preclusion of a remedial order. *LFFPs*, 1999 ITC LEXIS 202 at *40 (finding that some price increase does not "justify a determination that the public interest in protecting intellectual

property rights is in any way outweighed”). Thus, any impact to the public interest by the exclusion of Respondent’s infringing products will be minimal. Additionally, there would be no shortage because there are numerous substitute products, including those from Mobility as well as other parties, that will be able to replace the volume of the excluded articles in a highly competitive market.

II. CONCLUSION

The accused devices are not necessary to any health or welfare need, and an adequate supply of substitute devices will be available through at least Mobility. As such, the strong public interest in protecting Complainants' intellectual property rights outweighs any potential adverse impact on the public.

DATED: August 17, 2012

Respectfully submitted

By



Charles K. Verhoeven
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Phone No. (415) 875-6600

Edward J. DeFranco
Alexander Rudis
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Phone No. (212) 849-7000

David A. Nelson
Quinn Emanuel Urquhart & Sullivan LLP
500 West Madison Street, Suite 2450
Chicago, IL 60661
Phone No. (312) 705-7400

Paul F. Brinkman
S. Alex Lasher
Quinn Emanuel Urquhart & Sullivan LLP
1299 Pennsylvania Avenue N.W., Suite 825
Washington, D.C. 20004
Phone No. (202) 538-8000

*Attorneys for Complainants
Motorola Mobility LLC, Motorola Mobility
Ireland, and Motorola Mobility International
Limited*

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

**CERTAIN WIRELESS
COMMUNICATION DEVICES,
PORTABLE MUSIC and DATA
PROCESSING DEVICES, COMPUTERS,
AND COMPONENTS THEREOF**

Investigation No. 337-TA- _____

**COMPLAINT UNDER SECTION 337 OF THE
TARIFF ACT OF 1930, AS AMENDED**

Complainants

Motorola Mobility LLC
600 North US Highway 45
Libertyville, Illinois 60048
Phone No. (847) 523-5000

Motorola Mobility Ireland
Clarendon House
2 Church Street
P.O. Box HM666
Hamilton HMCX
Bermuda
Phone No. (441) 295 1422

Motorola Mobility International Limited
Clarendon House
2 Church Street
Hamilton, HM11
Bermuda
Phone No. (441) 295 1422

Respondent

Apple Inc.
1 Infinite Loop
Cupertino, California 95014
Phone No. (408) 996-1010

Counsel for Complainants

Charles K. Verhoeven
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Phone No. (415) 875-6600

David A. Nelson
Quinn Emanuel Urquhart & Sullivan LLP
500 West Madison Street, Suite 2450
Chicago, IL 60661
Phone No. (312) 705-7400

Edward J. DeFranco
Alexander Rudis
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Phone No. (212) 849-7000

Paul F. Brinkman
S. Alex Lasher
Quinn Emanuel Urquhart & Sullivan LLP
1299 Pennsylvania Ave. NW, Suite 825
Washington, D.C. 20004
Phone No. (202) 538-8000

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Exhibit 2	Certified Copy of United States Patent No. 5,922,047
Exhibit 3	Certified Copy of United States Patent No. 6,425,002
Exhibit 4	Copy of United States Patent No. 6,493,673
Exhibit 5	Certified Copy of United States Patent No. 6,983,370
Exhibit 6	Certified Copy of United States Patent No. 7,007,064
Exhibit 7	Certified Copy of United States Patent No. 7,383,983
Exhibit 8	Certified Copy of the Assignment to Motorola Inc. of United States Patent No. 5,883,580
Exhibit 9	Certified Copy of the Assignment to Motorola Inc. of United States Patent No. 5,922,047
Exhibit 10	Certified Copy of the Assignment to Motorola Inc. of United States Patent No. 6,425,002
Exhibit 11	Copy of the Assignment to Motorola Inc. of the Parent of United States Patent No. 6,493,673 and All Divisions, Extensions, Continuations, or Reissues Thereof
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Exhibit 15	Certified Copy of the Assignment to Motorola Mobility, Inc.
Exhibit 16	Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC
Exhibit 17	Motorola's Form 10-Q for the Period Ended March 31, 2012
Exhibit 18	Motorola's 2011 Annual Report
Exhibit 19	"Making History: Developing the Portable Cellular System," <i>available at</i> http://www.motorola.com/staticfiles/Business/Corporate/US-EN/history/feature-cell-phone-development.html
Exhibit 20	"Motorola Timeline," <i>available at</i> http://www.motorola.com/staticfiles/Business/Corporate/US-EN/history/timeline.html
Exhibit 21	Apple Facility Information, <i>available at</i> http://www.apple.com/retail/storelist/
Exhibit 22	Foreign Counterparts to the Asserted Patents
Exhibit 23	Claim Chart for Representative Independent Claim of United States Patent No. 5,883,580
Exhibit 24	Claim Chart for Representative Independent Claim of United States Patent No. 5,922,047
Exhibit 25	Claim Chart for Representative Independent Claim of United States Patent No. 6,425,002

Exhibits	Description
Exhibit 26	Claim Chart for Representative Independent Claim of United States Patent No. 6,493,673
Exhibit 27	Claim Chart for Representative Independent Claim of United States Patent No. 6,983,370
Exhibit 28	Claim Chart for Representative Independent Claim of United States Patent No. 7,007,064
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Exhibit 37	"iPhone: Locating the serial number" from Apple website
Exhibit 38	"iOS 5 Features That Go Further" from Apple website
Exhibit 39	iPhone User Guide For iOS 5.1 Software
Exhibit 40	July 12, 2010 Letter From Apple To Edward J. Markey
Exhibit 41	"iOS 5: Understanding Location Services" from Apple website
Exhibit 42	Nusca, Andrew, "Say command: How speech recognition will change the world," from http://www.smartplanet.com
Exhibit 43	"Reminders – The best way to do to-dos" from Apple website
Exhibit 44	iCloud homepage from Apple website
Exhibit 45	iPhone 4S teardown from www.ifixit.com
Exhibit 46	iPhone 4S "Features" from Apple website
Exhibit 47	Apple Local and Push Programming Guide
Exhibit 48	Apple tChess Application
Exhibit 49	McGrath, Jack, "Apple's A5 Chip" from www.technobuffalo.com
Exhibit 50	"Troubleshooting Push Notifications" from Apple website
Exhibit 51	iPhone 4S "Build In Apps" from Apple website
Exhibit 52	Siegler, MG, "Facebook's iPhone App Finally Gets Push Notifications, Contact Syncing" from http://techcrunch.com
Exhibit 53	Neder, Mary Ann, "eBay's iPhone App Updated with Push Notification, PayPal Purchases" from http://appmodo.com
Exhibit 54	"UIApplication Class Reference" from Apple website
Exhibit 55	OS X Mountain Lion Features from Apple website
Exhibit 56	iCloud "Features" from Apple website

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Exhibit 57	"iCloud: Mail" from Apple website
Exhibit 58	"A Look at Apple's iCloud" from www.nytimes.com
Exhibit 59	iPhone 4S "Take your mail with you everywhere" from Apple website
Exhibit 60	Apple August 19, 2011 Brief
Exhibit 61	"Frequently asked questions about the MobileMe transition and iCloud" from Apple website
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Exhibit 75	DROID RAZR User Guide
Exhibit 76	DROID RAZR Teardown from www.ifixit.com
Exhibit 77	Motorola Xoom Wifi User Guide
Exhibit 78	"Gmail – Android Apps on Google Play" from https://play.google.com
Exhibit 79	"How do actions sync in IMAP" from Google website
Exhibit 80	"Conversations" from Google website
Exhibit 81	"Using Gmail" from Google website
Exhibit 82	"Gmail for mobile" from Google website
Exhibit 83	"Motorola Droid Razr 16GB" from www.cnet.com
Exhibit 84	"Archiving vs. Deleting" from Google website
Exhibit 85	DROID RAZR Fact Sheet from Motorola website
Exhibit 86	"Reading on your Android device" from Google Play Help website
Exhibit 87	"Using multiple devices" from Google Play Help website
Exhibit 88	"Google Books for your phone" from Google website
Exhibit 89	Certificate of Formation for Motorola Mobility LLC
Exhibit 90	FAQs re: Battery Life from Motorola website
Exhibit 91	Apple Inc. Form 10-K for the Period Ended September 24, 2011
Exhibit 92	Declaration of Jon Tap
Exhibit 93	iPhone 4S homepage from Apple website
Exhibit 94	"Ask Siri To Get Things Done" from Apple website
Exhibit 95	"Siri Frequently Asked Questions" from Apple website
Exhibit 96	"How Apple's Siri Really Works" from www.zdnet.com
Exhibit 97	Representative Property List Rendered as XML
Exhibit 98	"Property List Programming Guide" from Apple website

Exhibits	Description
Exhibit 99	Motorola Xoom Wifi Release Notes
Exhibit 100	"Android 4.1 Hits Motorola Xoom Tablet" press release
Exhibit 101	"70 Things to Try with Google's Android 4.1 Voice Search"
Exhibit 102	Screenshot of communications

Confidential Exhibits	Description
Confidential Exhibit A	Confidential Declaration of Thomas V. Miller
Confidential Exhibit B	Domestic Industry Claim Chart for Representative Claim of United States Patent No. 6,425,002
Confidential Exhibit C	Motorola Blur Architecture Document
Confidential Exhibit D	Motorola Blur Design Specification
Confidential Exhibit E	Motorola Blur Design Specification

Appendices	Description
Appendix 1	Certified File History of United States Patent No. 5,883,580
Appendix 2	Certified File History of United States Patent No. 5,922,047
Appendix 3	Certified File History of United States Patent No. 6,425,002
Appendix 4	File History of United States Patent No. 6,493,673
Appendix 5	Certified File History of United States Patent No. 6,983,370
Appendix 6	Certified File History of United States Patent No. 7,007,064
Appendix 7	Certified File History of United States Patent No. 7,383,983
Appendix 8	Technical References Cited in U.S. Patent No. 5,883,580
Appendix 9	Technical References Cited in U.S. Patent No. 5,922,047
Appendix 10	Technical References Cited in U.S. Patent No. 6,425,002
Appendix 11	Technical References Cited in U.S. Patent No. 6,493,673
Appendix 12	Technical References Cited in U.S. Patent No. 6,983,370
Appendix 13	Technical References Cited in U.S. Patent No. 7,007,064
Appendix 14	Technical References Cited in U.S. Patent No. 7,383,983

I. INTRODUCTION

1. Motorola Mobility LLC (f/k/a Motorola Mobility, Inc.) ("Mobility"), Motorola Mobility Ireland ("Mobility Ireland"), and Motorola Mobility International Limited ("Mobility International") (collectively, "Complainants") respectfully request that the United States International Trade Commission ("Commission") institute an investigation into violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("Section 337").¹

2. Apple Inc. ("Apple" or "Respondent") has engaged in unfair acts in violation of Section 337 through unlawful and unauthorized importation and/or sale for importation into the United States, and/or the sale within the United States after importation, of certain wireless communications devices, portable music and data processing devices, computers, and components thereof (hereinafter collectively "Accused Products"). The Accused Products infringe one or more claims of United States Patent Nos. 5,883,580 ("the '580 Patent"), 5,922,047 ("the '047 Patent"), 6,425,002 ("the '002 Patent"), 6,493,673 ("the '673 Patent"), 6,983,370 ("the '370 Patent"), 7,007,064 ("the '064 Patent"), and 7,383,983 ("the '983 Patent") (collectively the "Asserted Patents") through their importation, sale for importation, use after importation, and sale after importation. *See* Exhs. 23-29.

3. In particular, the Accused Products infringe at least claims 1, 2, 3, 10, 11, 13, and 15 of the '580 Patent, claims 17 and 18 of the '047 Patent, claims 1, 5, 6, and 11 of the '002 Patent, claims 1, 9, 10, 11, and 50 of the '673 Patent, claims 50, 51, 52, and 54 of the '370 Patent, claims 1, 2, 5, 6, 7, 9, 10, 11, 12, and 13 of the '064 Patent, and claims 1, 2, 3, 4, 9, 12,

¹ As discussed below, on July 31, 2010, Motorola, Inc. assigned the Asserted Patents to Motorola Mobility, Inc., which later became Motorola Mobility LLC. Motorola, Inc. also has transferred the relevant mobile devices business to Mobility. Prior to July 31, 2010, Motorola, Inc. owned the Asserted Patents and the relevant mobile device business. As a result, where appropriate this Complaint will refer to the past and present business activities of Mobility and Motorola, Inc.

13, 14, 25, 26, 31, 33, 34, 35, 37, 39, and 40 of the '983 Patent (collectively the "Asserted Claims").

4. Mobility owns by assignment the right, title and interest in and to the Asserted Patents. *See* Exhs. 8-14 (assignments of each Asserted Patent from the named inventors to Motorola, Inc.); Exh. 15 (assignment of Asserted Patents from Motorola, Inc. to Motorola Mobility, Inc.); Exh. 89 (certificate of formation of Motorola Mobility LLC); Exh. 16 (certificate of conversion from Motorola Mobility, Inc. to Motorola Mobility LLC). Pursuant to a Form 10 filed with the Securities and Exchange Commission on July 1, 2010, Motorola, Inc. transferred its mobile devices and home business units to Motorola Mobility, Inc. and assigned the Asserted Patents to Motorola Mobility, Inc. Motorola Mobility, Inc. was created as a subsidiary of Motorola, Inc., and on July 31, 2010, Motorola, Inc. assigned the Asserted Patents to Motorola Mobility, Inc. Motorola Mobility, Inc. was spun-off from Motorola, Inc. on January 4, 2011 with a distribution of Motorola Mobility Holdings, Inc. stock to all Motorola, Inc. stockholders of record as of December 21, 2010. Motorola Mobility Holdings, Inc. was the holding company for Motorola Mobility, Inc. Motorola, Inc. thereafter changed its name to Motorola Solutions, Inc. On May 22, 2012, Google Inc. acquired Motorola Mobility Holdings, Inc. with Motorola Mobility Holdings, Inc. becoming a wholly owned subsidiary of Google Inc. Motorola Mobility Holdings, Inc. thereafter changed its name to Motorola Mobility Holdings LLC, and Motorola Mobility, Inc. thereafter changed its name to Motorola Mobility LLC.

5. Mobility Ireland and Mobility International have an exclusive license to the Asserted Patents. Mobility has retained the right to enforce the Asserted Patents.

6. Motorola, Inc's and Mobility's historic and current operations in the United States qualify as a domestic industry relating to the Asserted Patents and articles protected by the Asserted Patents, within the meaning of 19 U.S.C. § 1337(a)(2) & (3).

7. Mobility conducts research and development to develop new technology related to wireless handsets with integrated software and accessory products, and designs, manufactures, sells and services wireless handsets with integrated software and accessory products.

8. Motorola, Inc. and now Mobility design, develop, market, sell and service in the United States products that practice one or more claims of the Asserted Patents. Research and development of intellectual property relating to mobile devices by Motorola, Inc. resulted in each of the Asserted Patents.

9. Complainants seek relief from the Commission in the form of a permanent exclusion order prohibiting entry into the United States of the Accused Products that infringe one or more claims of the Asserted Patents. Complainants further seek a cease and desist order prohibiting Respondent, its subsidiaries, related companies and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, sale after importation or other transfers within the United States after importation of the Accused Products that infringe one or more claims of the Asserted Patents.

II. PARTIES

A. Complainants

10. Mobility is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 600 North US Highway 45, Libertyville, Illinois 60048. The Form 10-Q of Motorola Mobility Holdings, Inc. (now Motorola Mobility

Holdings LLC), the parent corporation and holding company of Mobility, for the period ended March 31, 2012, and its 2011 Annual Report are attached as Exhibits 17 and 18, respectively.

11. Mobility Ireland is an unlimited liability company organized and existing under the laws of Ireland with a place of business at Clarendon House, 2 Church Street, P.O. Box HM666, Hamilton HMCX, Bermuda.

12. Mobility International is a company organized and existing under the laws of Bermuda limited by shares with a place of business at Clarendon House, 2 Church Street, Hamilton HM11, Bermuda.

13. In furtherance of Motorola, Inc.'s transfer of its mobile devices and home business to Mobility, Motorola, Inc. assigned all its right, title, and interest in the Asserted Patents to Motorola Mobility, Inc. on July 31, 2010. Motorola Mobility, Inc. thereafter changed its name to Motorola Mobility LLC. Mobility continues to operate the mobile devices and home business units and own the Asserted Patents.

14. As a result of long-term domestic activities, Mobility maintains Motorola, Inc.'s legacy as a leading innovator in the communications and electronics industry. From the introduction of its first commercially successful car radio in 1930 to the inception of the world's first commercial portable cellular phone in 1983, Motorola, Inc. and now Mobility have developed substantial proprietary and leading technology relating to wireless communications and electronics. *See* Exh. 19 (excerpt from Mobility's website). Motorola, Inc. was also the first to bring push-to-talk over cellular to market. More recently, Motorola, Inc. demonstrated the world's first WiMAX 802.16e mobile handoff and the industry's first over-the-air data sessions in the 700 MHz spectrum using the Long Term Evolution standard, which is the next evolution of mobile broadband. *See* Exh. 20 (excerpt from Mobility's website)

15. Among other things, Mobility designs, manufactures, sells, and services wireless handsets with integrated software and accessory products. The net revenues of the Mobile Devices segment of Mobility represented 73% of Motorola Mobility Holdings, Inc.'s consolidated net revenues of approximately \$13.1 billion in 2011. *See* Exh. 18.

16. Motorola, Inc. and now Mobility have commercialized and continue to actively commercialize the patented technologies.

17. Mobility has made significant financial investments into domestic research and development in its Mobile Devices segment. Mobility continues to believe that a strong domestic commitment to research and development is required to drive long-term growth of the companies. Thousands of Mobility domestic employees are dedicated to engineering and science operations and corresponding supporting activities for wireless communication devices.

B. The Respondent

18. Respondent Apple Inc. is a corporation organized under the laws of California and has its principal place of business at 1 Infinite Loop, Cupertino, California 95014.

19. Respondent imports and/or sells for importation into the United States, and/or sells within the United States after importation certain wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe the Asserted Patents without the authorization of Mobility. Respondent has facilities around the world, including retail stores in the United States to directly sell the Accused Products to end users. *See* Exh. 21.

III. ACCUSED PRODUCTS AT ISSUE

20. Respondent designs, imports, sells for importation into the United States, and/or sells within the United States after importation, certain wireless communication devices, portable music and data processing devices, computers, and components thereof.

21. The accused Apple iOS devices include, but are not limited to, the Apple iPod Touch, the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the new Apple iPad (aka the iPad 3). These devices utilize various wireless technologies that, for example, create location-based reminders, operate multimedia applications, and manage various messages and content.

22. The accused Apple Mac OS devices include, but are not limited to, the Mac Pro, iMac, Mac mini, MacBook Pro, and MacBook Air, which utilize wireless communication technologies to manage various messages and content.

23. Each of the Accused Products meets each and every limitation of at least one claim of one or more of the Asserted Patents. The Accused Products include, but are not limited to, all versions of the above-referenced products, as well as certain software and services that are distributed as components of these devices. These products, however, are merely illustrative of the types and classes of infringing products that Respondent manufactures and imports into the United States, sells for importation into the United States, and/or sells within the United States after importation in violation of Section 337.

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS

A. The '580 Patent

1. Identification of the '580 Patent and Ownership

24. Mobility owns by assignment the right, title and interest in United States Patent No. 5,883,580, titled "Geographic-Temporal Significant Messaging," which issued on March 16, 1999, naming Alain Charles Louis Briancon and Terence Edward Sumner as inventors. A certified copy of the '580 Patent is attached as Exhibit 1; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 8. A certified

copy of the July 31, 2010 assignment of the '580 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

25. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '580 Patent, as well as four copies of the '580 Patent and each technical reference mentioned in the prosecution history of the '580 Patent, are submitted concurrently herewith as Appendices 1 and 8, respectively.

2. Foreign Counterparts to the '580 Patent

26. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '580 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '580 Patent²

27. The '580 Patent generally relates to messaging devices that process messages logically for a user in the context of space and time. The patent discloses, inter alia, a method and apparatus for receiving messages having a relevancy status (e.g., a location identifier) and processing the messages when the relevancy status changes.

4. Prior Litigation Involving the '580 Patent

28. The '580 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '580 Patent.

² The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

29. The '580 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '580 Patent.

B. The '047 Patent

1. Identification of the '047 Patent and Ownership

30. Mobility owns by assignment the right, title and interest in United States Patent No. 5,922,047, titled "Apparatus, Method And System For Multimedia Control And Communication," which issued on July 13, 1999, naming Douglas J. Newlin and Timothy M. Burke as inventors. A certified copy of the '047 Patent is attached as Exhibit 2; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 9. A certified copy of the July 31, 2010 assignment of the '047 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

31. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '047 Patent, as well as four copies of the '047 Patent and each technical reference mentioned in the prosecution history of the '047 Patent, are submitted concurrently herewith as Appendices 2 and 9, respectively.³

³ Complainants were unable to gather the publications mentioned in the prosecution history of the '047 Patent, but will locate these publications and submit them once received by Complainants.

2. Foreign Counterparts to the '047 Patent

32. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '047 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '047 Patent⁴

33. The '047 Patent generally relates to communications and control systems for multimedia. In particular, the '047 Patent discloses, inter alia, an apparatus and method for providing control functions over multiple and diverse media applications, preferably operating at more than one designated node or location.

4. Prior Litigation Involving the '047 Patent

34. The '047 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '047 Patent or any of its counterparts.

35. The '047 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '047 Patent.

C. The '002 Patent

1. Identification of the '002 Patent and Ownership

36. Mobility owns by assignment the right, title and interest in United States Patent No. 6,425,002, titled "Apparatus and Method for Handling Dispatching Messages for Various Applications of a Communication Device," which issued on July 23, 2002, naming Rodd Bryan Zurcher, David Frank Baum, and James Van Peurse as inventors. A certified copy of the '002

⁴ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

Patent is attached as Exhibit 3; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 10. A certified copy of the July 31, 2010 assignment of the '002 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

37. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '002 Patent, as well as four copies of the '002 Patent and each technical reference mentioned in the prosecution history of the '002 Patent, are submitted concurrently herewith as Appendices 3 and 10, respectively.

2. Foreign Counterparts to the '002 Patent

38. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '002 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '002 Patent⁵

39. The '002 Patent generally relates to communications devices that ensure applications installed therein only receive messages that are of interest. The patent discloses, inter alia, a message manager program for accepting and dispatching messages, application program(s) for handling and presenting messages, and message client program(s) that receive messages from the message manager program and provides them to the application program.

⁵ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

4. Prior Litigation Involving the '002 Patent

40. The '002 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '002 Patent or any of its counterparts.

41. The '002 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '002 Patent.

D. The '673 Patent

1. Identification of the '673 Patent and Ownership

42. Mobility owns by assignment the right, title and interest in United States Patent No. 6,493,673, titled "Markup Language For Interactive Services And Methods Thereof," which issued on December 10, 2002, naming David Ladd and Gregory Johnson as inventors. A copy of the '673 Patent is attached as Exhibit 4. Complainants have ordered a certified copy, which Complainants will submit upon receipt. A copy of the recorded assignment from the named inventors to Motorola, Inc. with respect to the parent of the '673 Patent and all divisions, extensions, continuations, and/or reissues thereof is attached as Exhibit 11. Complainants have ordered a certified copy, which Complainants will submit upon receipt. A certified copy of the July 31, 2010 assignment of the '673 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

43. Pursuant to Commission Rule 210.12, four copies of the prosecution history of the '673 Patent, as well as four copies of the '673 Patent and each technical reference mentioned in the prosecution history of the '673 Patent, are submitted concurrently herewith as Appendices

4 and 11, respectively.⁶ Complainants have ordered a certified copy of the prosecution history of the '673 Patent and will submit upon receipt.

2. Foreign Counterparts to the '673 Patent

44. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '673 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '673 Patent⁷

45. The '673 Patent generally relates to communications devices that are capable of providing interactive services. The patent discloses, inter alia, providing prompt element including an announcement to be read to a user, and an input element that allows an audible user input to be converted into a text string.

4. Prior Litigation Involving the '673 Patent

46. The '673 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '673 Patent or any of its counterparts.

47. The '673 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '673 Patent.

⁶ After a diligent search, Complainants have been unable to locate one technical reference: "Nava Air Federal Credit Union Call 24 Voice Response Brochure, May 1994."

⁷ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

E. The '370 Patent

1. Identification of the '370 Patent and Ownership

48. Mobility owns by assignment the right, title and interest in United States Patent No. 6,983,370, titled "System For Providing Continuity Between Messaging Clients And Method Therefor," which issued on January 3, 2006, naming Eric Thomas Eaton, David Jeffery Hayes, and Von Alan Mock as inventors. A certified copy of the '370 Patent is attached as Exhibit 5; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 12. A certified copy of the July 31, 2010 assignment of the '370 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

49. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '370 Patent, as well as four copies of the '370 Patent and each technical reference mentioned in the prosecution history of the '370 Patent, are submitted concurrently herewith as Appendices 5 and 12, respectively.

2. Foreign Counterparts to the '370 Patent

50. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '370 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '370 Patent⁸

51. The '370 Patent generally relates to communication systems incorporating capabilities to provide continuity between messaging clients. More specifically, the '370 Patent relates to the ability to sync the messaging capabilities of multiple devices.

4. Prior Litigation Involving the '370 Patent

52. On or about November 10, 2010, Mobility filed a Complaint in the United States District Court for the Southern District of Florida based on, *inter alia*, the alleged infringement of the '370 Patent by Microsoft Corporation in a case captioned *Motorola Mobility Inc. v. Microsoft Corporation*, Case No. 10-CV-24063-FAM (S.D. Fla.). That case was later transferred to the United States District Court for the Western District of Washington on or about August 25, 2011, *see Motorola Mobility, Inc. v. Microsoft Corp.*, Case No. 2:11-CV-01408-JLR (W.D. Wash.), and is still pending before that Court. The '370 Patent has not been the subject of any other previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '370 Patent or any of its counterparts.

53. The '370 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '370 Patent.

F. The '064 Patent

1. Identification of the '064 Patent and Ownership

54. Mobility owns by assignment the right, title and interest in United States Patent No. 7,007,064, titled "Method And Apparatus For Obtaining And Managing Wirelessly

⁸ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

Communicated Content," which issued on February 28, 2006, naming Randi W. Faris as inventor. A certified copy of the '064 Patent is attached as Exhibit 6; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 13. A certified copy of the July 31, 2010 assignment of the '064 Patent from Motorola, Inc. to Motorola Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

55. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '064 Patent, as well as four copies of the '064 Patent and each technical reference mentioned in the prosecution history of the '064 Patent, are submitted concurrently herewith as Appendices 6 and 13, respectively.

2. Foreign Counterparts to the '064 Patent

56. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '064 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '064 Patent⁹

57. The '064 Patent generally relates to wireless communications systems for providing content to wireless communication devices. In particular, the '064 Patent discloses, inter alia, an apparatus and method for obtaining and managing wirelessly communicated content.

⁹ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

4. Prior Litigation Involving the '064 Patent

58. The '064 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '064 Patent or any of its counterparts.

59. The '064 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '064 Patent.

G. The '983 Patent

1. Identification of the '983 Patent and Ownership

60. Mobility owns by assignment the right, title and interest in United States Patent No. 7,383,983, titled "System And Method For Managing Content Between Devices In Various Domains," which issued on June 10, 2008, naming Michael T. Gaumont, Richard Mark Clayton, Parvathy Bhaskaran, and Lee Callaway as inventors. A certified copy of the '983 Patent is attached as Exhibit 7; a certified copy of the recorded assignment from the named inventors to Motorola, Inc. is attached as Exhibit 14. A certified copy of the July 31, 2010 assignment of the '983 Patent from Motorola, Inc. to Mobility is attached as Exhibit 15. A copy of the June 22, 2012 Certificate of Conversion from Motorola Mobility, Inc. to Motorola Mobility LLC is attached as Exhibit 16, and Complainants will submit a certified copy once it is recorded at the United States Patent and Trademark Office.

61. Pursuant to Commission Rule 210.12, a certified copy and three additional copies of the prosecution history of the '983 Patent, as well as four copies of the '983 Patent and each technical reference mentioned in the prosecution history of the '983 Patent, are submitted concurrently herewith as Appendices 7 and 14, respectively.

2. Foreign Counterparts to the '983 Patent

62. Pursuant to Commission Rule 210.12(a)(9)(v), Exhibit 22 identifies the foreign patents or patent applications corresponding to the '983 Patent that have been issued, abandoned, rejected, or remain pending.

3. Non-Technical Description of the '983 Patent¹⁰

63. The '983 Patent generally relates to managing content between devices in various domains and, more particularly, to a system and method for pausing content in one device and resuming playback of the content in another device that may be in a different domain.

4. Prior Litigation Involving the '983 Patent

64. The '983 Patent has not been the subject of previous litigation in any domestic court or agency. In addition, there has been no foreign court or agency litigation involving the '983 Patent or any of its counterparts.

65. The '983 Patent, however, is the subject of a complaint filed concurrently herewith by Mobility against Apple in the United States District Court for the District of Delaware that alleges infringement of, among others, the '983 Patent.

V. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT – PATENT INFRINGEMENT

66. Respondent unlawfully sells for importation, imports, and/or sells within the United States after importation the Accused Products, thereby infringing at least claims 1, 2, 3, 10, 11, 13, and 15 of the '580 Patent, claims 17 and 18 of the '047 Patent, claims 1, 5, 6, and 11 of the '002 Patent, claims 1, 9, 10, 11, and 50 of the '673 Patent, claims 50, 51, 52, and 54 of the '370 Patent, claims 1, 2, 5, 6, 7, 9, 10, 11, 12, and 13 of the '064 Patent, and claims 1, 2, 3, 4, 9,

¹⁰ The non-technical descriptions of the inventions claimed in the Asserted Patents as set forth in this Complaint are not intended to construe either the specification or the claims of the Asserted Patents.

12, 13, 14, 25, 26, 31, 33, 34, 35, 37, 39, and 40 of the '983 Patent (collectively the "Asserted Claims").

67. Respondent has directly infringed and continues to directly infringe at least the Asserted Claims of the Asserted Patents by, *inter alia*, its importation, sale for importation, and/or its sale in the United States after importation of the Accused Products. Respondent also directly infringes the Asserted Claims of the Asserted Patents by having its employees or agents operate, test, and/or demonstrate the Accused Products in the United States, and through those activities infringes the Asserted Claims of the Asserted Patents.

68. Respondent indirectly infringes at least claims 1, 2, 3, 10, 11, 13, and 15 of the '580 Patent, claims 50, 51, 52, and 54 of the '370 Patent, and claims 1, 2, 3, 4, 9, 12, 13, 14, 25, 26, 31, 33, 34, 35, 37, 39, and 40 of the '983 Patent by inducing and/or contributing to infringement of the asserted claims of these patents. For example, Respondent induces infringement and/or contributorily infringes when consumers and/or Respondent's employees operate the Accused Products in the United States.

69. Upon information and belief, Respondent induces infringement because: (i) Respondent has knowledge of the '580 Patent and the '983 Patent, at least through discussions with Mobility in 2010 and has knowledge of the '370 Patent at least through its monitoring of *Motorola Mobility, Inc. v. Microsoft Corp.*, Case No. 2:11-CV-01408-JLR (W.D. Wash.); (ii) Respondent intends to induce direct infringement of at least the '580 Patent, the '370 Patent, and the '983 Patent; (iii) Respondent actively induces direct infringement by knowingly aiding and abetting that infringement; and/or (iv) Respondent has actual or constructive knowledge that its actions would induce infringement. For example, Respondent induces infringement by, among other things, providing and selling the Accused Products, creating and distributing user manuals

and marketing materials, and by other acts and communications that instruct users how to operate the Accused Products and otherwise cause others to use the Accused Products, and thereby practice the claimed inventions of at least the '580 Patent, the '370 Patent, and the '983 Patent.

70. Upon information and belief, Respondent further contributes to infringement of at least the '580 Patent, the '370 Patent, and the '983 Patent because there is a lack of substantial non-infringing uses for the Accused Products. Upon information and belief, Respondent knows the Accused Products are especially made or especially adapted for use in the infringement of at least the '580 Patent, the '370 Patent, and the '983 Patent and that the infringing portions of these products are not staple articles or commodities of commerce suitable for substantial non-infringing use.

71. The Accused Products that infringe the '580 Patent include at least the Apple iPhone 4 and the Apple iPhone 4S. Exhibit 23 is a claim chart that compares representative asserted independent claims 1 and 10 of the '580 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36-45 and 93.

72. The Accused Products that infringe the '047 Patent include at least the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the Apple iPad 3. Exhibit 24 is a claim chart that compares representative asserted independent claim 17 of the '047 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36, 39, and 46.

73. The Accused Products that infringe the '002 Patent include at least the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the Apple iPad 3. Exhibit 25 is a claim chart that compares representative asserted independent claims 1 and 11 of

the '002 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36, 39, 45, 47-54, and 93.

74. The Accused Products that infringe the '673 Patent include at least Apple iPhone 4S. Exhibit 26 is a claim chart that compares representative asserted independent claims 1 and 50 of the '673 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36 and 93-98.

75. The Accused Products that infringe the '370 Patent include at least the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, the Apple iPad 3, the Mac Pro, the iMac, the Mac mini, the MacBook Pro, and the MacBook Air. Exhibit 27 is a claim chart that compares representative asserted independent claim 50 of the '370 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 38 and 55.

76. The Accused Products that infringe the '064 Patent include at least the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad 2, and the Apple iPad 3. Exhibit 28 is a claim chart that compares representative asserted independent claim 1 of the '064 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 36-37, 45, 56-61, and 93.

77. The Accused Products that infringe the '983 Patent include at least the Apple iPod Touch, the Apple iPhone 3GS, the Apple iPhone 4, the Apple iPhone 4S, the Apple iPad, the Apple iPad 2, and the Apple iPad 3. Exhibit 29 is a claim chart that compares representative asserted independent claims 1 and 25 of the '983 Patent to these Accused Products. Documents referenced in this claim chart are attached as Exhibits 38 and 62-67.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

78. Significant portions of Respondent's products, including Respondent's Accused Products, are manufactured outside the United States, primarily in Asia (*see* Exh. 91 at 7), and

sold within the United States. Thus, as of the filing of this Complaint, the Accused Products are being imported into the United States, sold for importation into the United States, and/or being sold within the United States after importation by Respondent.

79. The specific instances of importation of infringing Accused Products set forth below are representative examples of Respondent's unlawful importation, sale for importation, and/or sales within the United States after importation of infringing products.

80. The Accused Products were purchased in the United States in Respondent's retail stores.¹¹

81. The purchase receipts of representative Accused Products are attached as Exhibits to the Declaration of Jon Tap ("Tap Decl."), which is attached as Exhibit 92.

82. The Accused Products are marked as manufactured in China. *See* Tap Decl., Exhs. B, D, F, H. Photographs of the Accused Products, in their packaging, are submitted as an Exhibit to the Tap Decl., and is representative of the other accused wireless communication devices. *See id.*

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

83. Upon information and belief, the infringing Accused Products of Respondent may be classified under at least the following heading and subheading of the Harmonized Tariff Schedule of the United States ("HTSUS"): 8517.12.00; 8519.81.40; 8519.89.30; 8521.90.00; 8471.30.01, 8471.41.01; and 8471.49.00.

84. These classifications are exemplary in nature and are not intended to restrict the scope of any exclusion order or other remedy ordered by the Commission.

¹¹ At the request of the Commission, Complainant will provide physical samples of the Accused Products.

VIII. THE DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

85. An industry as required by Section 337(a)(2) and defined by Section 337(a)(3) exists in the United States relating to Mobility's mobile phones protected by the Asserted Patents.

A. Technical Prong

86. Many of Mobility's wireless communications devices practice the Asserted Patents. However, for purposes of outlining Mobility's satisfaction of the domestic industry requirement, Mobility has selected four representative devices: the Droid 4, the Droid Razr, the Droid Razr Maxx, and the Motorola Xoom ("Representative Domestic Industry Products").¹²

87. Exhibit 30 is a claim chart demonstrating that each and every limitation of at least exemplary claim 1 of the '580 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least two other Representative Domestic Industry Products, the Droid Razr Maxx and the Droid 4. Documents referenced in this claim chart are attached as Exhibits 68-74.

88. Exhibit 31 is a claim chart demonstrating that each and every limitation of at least exemplary claim 17 of the '047 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least two other Representative Domestic Industry Products, the Droid Razr Maxx and the Droid 4. Documents referenced in this claim chart are attached as Exhibits 69 and 75.

89. Confidential Exhibit B is a claim chart demonstrating that each and every limitation of at least exemplary claims 1 and 11 of the '002 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least one other

¹² At the request of the Commission, Complainant will provide physical samples of the Representative Domestic Industry Products.

Representative Domestic Industry Product, the Droid Razr Maxx. Documents referenced in this claim chart are attached as Exhibits 68-69, 76, and 90, and Confidential Exhibits C-E.

90. Exhibit 32 is a claim chart demonstrating that each and every limitation of at least exemplary claim 51 of the '673 Patent is met by a Representative Domestic Industry Product, the Motorola Xoom Wifi running the Android 4.1 operating system ("Jelly Bean"). This claim is also met by other Motorola products running "Jelly Bean" in the near future. Documents referenced in this claim chart are attached as Exhibits 77 and 99-102.

91. Exhibit 33 is a claim chart demonstrating that each and every limitation of at least exemplary claim 50 of the '370 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least three other Representative Domestic Industry Products, the Droid Razr Maxx, the Droid 4, and the Motorola Xoom Wifi. Documents referenced in this claim chart are attached as Exhibits 69 and 75.

92. Exhibit 34 is a claim chart demonstrating that each and every limitation of at least exemplary claim 1 of the '064 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least three other Representative Domestic Industry Products, the Droid Razr Maxx, the Droid 4, and the Motorola Xoom. Documents referenced in this claim chart are attached as Exhibits 65, 69-70, and 78-84.

93. Exhibit 35 is a claim chart demonstrating that each and every limitation of at least exemplary claim 25 of the '983 Patent is met by a Representative Domestic Industry Product, the Droid Razr. This claim is also met by at least two other Representative Domestic Industry Products, the Droid Razr Maxx and the Droid 4. Documents referenced in this claim chart are attached as Exhibits 75 and 85-87.

B. Economic Prong

94. Complainants have made substantial investments in the United States in the exploitation of the Asserted Patents. These investments include at least domestic engineering, research and development, testing, and repair and service relating to articles protected by the Asserted Patents. Mobility employs thousands of individuals in several facilities throughout the United States. *See* Conf. Exh. A. For purposes of outlining its satisfaction of the economic prong of the domestic industry requirement, Mobility has selected the following discrete domestic investments relating to the Representative Domestic Industry Products.

1. Investments Relating to Engineering and Research and Development

95. Several thousand employees in numerous U.S. facilities conduct engineering and research and development relating to wireless communications devices, including the Representative Domestic Industry Products that practice the Asserted Patents.

96. As described in Confidential Exhibit A, Mobility has made substantial investments in employees and plant and equipment to support engineering and research and development in the United States relating to the Representative Domestic Industry Products.

2. Investments Relating to Testing

97. In order to support its products and customers, Mobility has made and continues to make substantial investments in the United States to test its wireless communications devices that practice the Asserted Patents.

98. Each model of Mobility's wireless communications devices produced for the U.S. market undergoes rigorous testing in the United States by Mobility engineers or third party contractors under their direction. Mobility engineers in its facilities are responsible for a wide variety of testing, including environmental testing, mechanical testing, failure analysis testing, and laboratory testing. In addition, Mobility employees or third party contractors field test each

model of Mobility's wires communications device at multiple locations throughout the United States. Mobility's domestic investments in testing the Representative Domestic Industry Products are described in more detail in Confidential Exhibit A.

3. Investments Relating to Repair and Service

99. Mobility has made and continues to make substantial investments in the United states relating to the repair and service of Mobility's wireless communications devices that practice the Asserted Patents.

100. Employees in Mobility's facilities are responsible for overseeing the service and repair of Mobility's wireless communications devices. Confidential Exhibit A describes Mobility's expenditures relating to the service and repair of Representative Domestic Industry Products in the United States.

IX. RELIEF REQUESTED

101. Complainants respectfully request that the Commission:

(a) Institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondent's violations of that section arising from the importation into the United States, sale for importation, and/or the sale within the United States after importation of wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more claims of United States Patent Nos. 5,883,580, 5,922,047, 6,425,002, 6,493,673, 6,983,370, 7,007,064, and 7,383,983;

(b) Set a target date of no more than 15 months;

(c) Schedule and conduct a hearing pursuant to Section 337(c) for the purposes of (i) receiving evidence and hearing argument concerning whether there has been a

violation of Section 337, and (ii) following the hearing, determining that there has been a violation of Section 337;

(d) Issue a permanent exclusion order directed to products manufactured by Respondent, its subsidiaries, related companies and agents pursuant to 19 U.S.C. § 1337(d) excluding entry into the United States of wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more claims of United States Patent Nos. 5,883,580, 5,922,047, 6,425,002, 6,493,673, 6,983,370, 7,007,064, and 7,383,983;

(e) Issue a permanent cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting Respondent, its subsidiaries, related companies and agents from engaging in the importation, sale for importation, marketing and/or advertising, distribution, offering for sale, sale, sale after importation, or other transfer within the United States of wireless communications devices, portable music and data processing devices, computers, and components thereof that infringe one or more claims of United States Patent Nos. 5,883,580, 5,922,047, 6,425,002, 6,493,673, 6,983,370, 7,007,064, and 7,383,983;

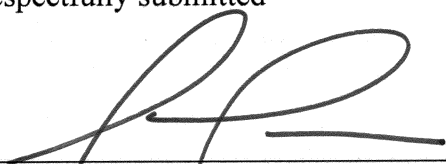
(f) Impose a bond upon importation of infringing wireless communication devices, portable music and data processing devices, computers, and components thereof during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j); and

(g) Issue such other and further relief as the Commission deems just and proper under the law, based on the facts determined by the Investigation and the authority of the Commission.

DATED: August 17, 2012

Respectfully submitted

By



Charles K. Verhoeven
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Phone No. (415) 875-6600

Edward J. DeFranco
Alexander Rudis
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Phone No. (212) 849-7000

David A. Nelson
Quinn Emanuel Urquhart & Sullivan LLP
500 West Madison Street, Suite 2450
Chicago, IL 60661
Phone No. (312) 705-7400

Paul F. Brinkman
S. Alex Lasher
Quinn Emanuel Urquhart & Sullivan LLP
1299 Pennsylvania Avenue N.W., Suite 825
Washington, D.C. 20004
Phone No. (202) 538-8000

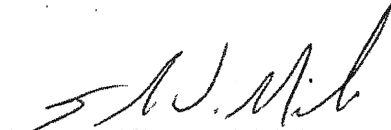
*Attorneys for Complainants
Motorola Mobility LLC, Motorola Mobility Ireland,
and Motorola Mobility International Limited*

VERIFICATION OF COMPLAINT

I, Thomas V. Miller, declare, in accordance with 19 C.F.R. § 210.12(a)(1), as follows:

1. I am Vice President of Intellectual Property of Motorola Mobility LLC and am duly authorized to sign this Complaint;
2. I have read the complaint and I am aware of its contents;
3. The Complaint is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of the investigation or related proceeding;
4. To the best of my knowledge, information and belief founded upon reasonable inquiry, the claims and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;
5. The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2012, in LIBERTYVILLE, IL.



Thomas V. Miller