

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

**MOTOROLA MOBILITY, INC., and  
GENERAL INSTRUMENT  
CORPORATION,**

Plaintiffs,

v.

**MICROSOFT CORPORATION,**

Defendant.

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)  
) **Civil Action No. 10-CV-700**

) **JURY TRIAL DEMANDED**  
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**SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs, Motorola Mobility, Inc. (“Motorola Mobility”) and General Instrument Corporation (“General Instrument”) (collectively or separately, “Plaintiffs”), for their Second Amended Complaint against Defendant Microsoft Corporation (“Microsoft”), aver as follows:

**NATURE OF THE ACTION**

1. This is an action brought by Plaintiffs against Microsoft for Microsoft’s infringement of Plaintiffs’ patents. In particular, Plaintiffs seek remedies for Microsoft’s infringement of Plaintiffs’ U.S. Patents Nos. 6,980,596; 7,162,094; 5,319,712; 5,357,571; 6,069,896; and 5,311,516 (collectively, “the Asserted Patents”).

**THE PARTIES**

2. Motorola Mobility is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 600 North U.S. Highway 45, Libertyville, Illinois 60048. Motorola Mobility is a wholly owned subsidiary of Motorola

Mobility Holdings, Inc. Motorola Mobility is the assignee of all right, title and interest, including the right to sue for past infringement, in and to the '712, '571, '896, and '516 Patents.

3. Motorola Mobility and its affiliates (collectively, "Motorola") are 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 and thereafter, Motorola has developed substantial proprietary and leading technology relating to wireless communications and electronics. Among other things, Motorola designs, manufactures, sells, and services wireless handsets with integrated software and accessory products.

4. General Instrument Corporation is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 101 Tournament Drive, Horsham, Pennsylvania 19044. General Instrument is a wholly owned subsidiary of Motorola Mobility Holdings, Inc. General Instrument Corporation is the assignee of all right, title and interest, including the right to sue for past infringement, in and to the '596 and '094 Patents.

5. On information and belief, Microsoft is a corporation organized and existing under the laws of the State of Washington having its principal place of business at One Microsoft Way, Redmond, Washington 98052.

6. On information and belief, Microsoft directly or indirectly through its subsidiaries and affiliated companies, distributes, markets, sells and/or offers to sell throughout the United States including in this District, and/or imports into the United States various models of the Xbox 360 video game console ("the Xbox 360") and/or accessories.

### **JURISDICTION AND VENUE**

7. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b), (c), (d), and 1400(b).

9. Upon information and belief, this Court has personal jurisdiction over Microsoft because Microsoft regularly conducts business in this District and has committed and continues to commit acts of patent infringement in this District.

### **THE ASSERTED PATENTS**

10. United States Patent No. 6,980,596, titled “MacroblocK Level Adaptive Frame/Field Coding for Digital Video Content,” which issued on December 27, 2005, names Limin Wang, Rajeev Gandhi, Krit Panusopone, and Ajay Luthra as inventors. General Instrument is the owner by assignment of all right, title and interest in and to the ’596 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ’596 Patent is attached as Exhibit A.

11. United States Patent No. 7,162,094, titled “Frequency Coefficient Scanning Paths For Coding Digital Video Content,” which issued on January 9, 2007, names Limin Wang, David M. Baylon, Krit Panusopone, Rajeev Gandhi, Yue Yu, and Ajay Luthra as inventors. General Instrument is the owner by assignment of all right, title and interest in and to the ’094 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ’094 Patent is attached as Exhibit B.

12. United States Patent No. 5,319,712, titled “Method and Apparatus for Providing Cryptographic Protection of a Data Stream in a Communication System,” which issued on June 7, 1994, names Louis D. Finkelstein, James J. Kosmach, and Jeffrey C. Smolinske as inventors. Motorola Mobility is the owner by assignment of all right, title and interest in and to the ’712 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ’712 Patent is attached as Exhibit C.

13. United States Patent No. 5,357,571, titled “Method For Point-To-Point Communications Within Secure Communication Systems,” which issued on October 18, 1994, names Dean E. Banwart as inventor. Motorola Mobility is the owner by assignment of all right, title and interest in and to the ’571 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ’571 Patent is attached as Exhibit D.

14. United States Patent No. 6,069,896, titled “Capability Addressable Network And Method Therefor,” which issued on May 30, 2000, names Ronald W. Borgstahl, Jeffrey Martin Harris, Ernest Earl Woodward, and David G. Leeper as inventors. Motorola Mobility is the owner by assignment of all right, title and interest in and to the ’896 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ’896 Patent is attached as Exhibit E.

15. United States Patent No. 5,311,516, titled “Paging System Using Message Fragmentation to Redistribute Traffic,” which issued on May 10, 1994, names William J. Kuznicki and David F. Willard as inventors. Motorola Mobility is the owner by assignment of all right, title and interest in and to the ’516 Patent, including the right to sue and recover for past infringement thereof. A true and correct copy of the ’516 Patent is attached as Exhibit F.

16. On information and belief, Microsoft has knowledge of the '712, '516 and '571 Patents since at least the receipt of an October 21, 2010 letter from Motorola, knowledge of the '596 and '094 Patents since at least the receipt of an October 29, 2010 letter from Motorola, and the '896 Patent since at least November 10, 2010. Moreover, Microsoft and Plaintiffs have been engaged in active patent litigation in other jurisdictions since at least October 1, 2010. Microsoft is a sophisticated company that likely has reviewed Plaintiffs' patent portfolios in connection with these litigations.

**CLAIM ONE**  
**(Infringement of U.S. Patent No. 6,980,596)**

17. Plaintiffs incorporate by reference as if fully set forth herein the averments contained within Paragraphs 1-16.

18. On information and belief, Microsoft has infringed, induced infringement of, and/or contributorily infringed, and continues to infringe, induce infringement of, and/or contributorily infringe, at least claims 1, 2, 3, 7 and 8 of the '596 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to: (a) making, using, offering to sell, selling and/or importing various models of the Xbox 360, including without limitation the Xbox 360 Pro/Premium, Xbox 360 Elite, Xbox 360 Arcade, and Xbox 360 S; and/or (b) by inducing others to infringe the claimed methods; and/or (c) by contributing to the infringement of others.

19. On information and belief, the various models of the Xbox 360 sold, offered for sale, and/or imported by Microsoft include material parts of the invention of the '596 Patent that

are especially made or adapted for use in infringement of the '596 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

20. On information and belief, instructional materials produced by Microsoft (available at, *e.g.*, <http://support.xbox.com/en-us/Pages/default.aspx>) instruct persons how to use these products in accordance with one or more of the asserted claims of the '596 Patent. For example, the Xbox FAQ section discusses the Xbox 360 support for video playback and the H.264 Standard. *See* Frequently Asked Questions About Video And Audio Playback For Your Xbox 360 Console, <http://support.microsoft.com/kb/945416?sd=xbox>.

21. On information and belief, Microsoft has contributed to and knowingly induced the infringement of the '596 Patent with respect to the Xbox 360 by selling the Xbox 360 and describing its use with knowledge that such sales and descriptions cause persons to engage in acts that infringe the '596 Patent and with specific intent to encourage infringement of the '596 Patent. Such knowledge and intent are manifest in and can be inferred from, among other places, the instructional materials provided by Microsoft.

22. Microsoft's infringing activities have caused and will continue to cause Plaintiffs irreparable harm for which they have no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

23. Plaintiffs have been and continue to be damaged by Microsoft's infringement of the '596 Patent in an amount to be determined at trial.

24. On information and belief, Microsoft's infringement of the '596 Patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284.

25. On information and belief, Microsoft's infringement of the '596 Patent is exceptional and entitles Plaintiffs to an award of their attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**CLAIM TWO**  
**(Infringement of U.S. Patent No. 7,162,094)**

26. Plaintiffs incorporate by reference as if fully set forth herein the averments contained within Paragraphs 1-16.

27. On information and belief, Microsoft has infringed, induced infringement of, and/or contributorily infringed, and continues to infringe, induce infringement of, and/or contributorily infringe, at least claims 5, 6, 7, 8 and 10 of the '094 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to: (a) making, using, offering to sell, selling and/or importing various models of the Xbox 360, including without limitation the Xbox 360 Pro/Premium, Xbox 360 Elite, Xbox 360 Arcade, and Xbox 360 S; and/or (b) by inducing others to use the claimed systems and/or to infringe the claimed methods; and/or (c) by contributing to the infringement of others.

28. On information and belief, the various models of the Xbox 360 sold, offered for sale, and/or imported by Microsoft include material parts of the invention of the '094 Patent that are especially made or adapted for use in infringement of the '094 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

29. On information and belief, instructional materials produced by Microsoft (available at, *e.g.*, <http://support.xbox.com/en-us/Pages/default.aspx>) instruct persons how to use these products in accordance with one or more of the asserted claims of the '094 Patent. For

example, the Xbox FAQ section discusses the Xbox 360 support for video playback and the H.264 Standard. *See* Frequently Asked Questions About Video And Audio Playback For Your Xbox 360 Console, <http://support.microsoft.com/kb/945416?sd=xbox>.

30. On information and belief, Microsoft has contributed to and knowingly induced the infringement of the '094 Patent with respect to the Xbox 360 by selling the Xbox 360 and describing its use with knowledge that such sales and descriptions cause persons to engage in acts that infringe the '094 Patent and with specific intent to encourage infringement of the '094 Patent. Such knowledge and intent are manifest in and can be inferred from, among other places, the instructional materials provided by Microsoft.

31. Microsoft's infringing activities have caused and will continue to cause Plaintiffs irreparable harm for which they have no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

32. Plaintiffs have been and continue to be damaged by Microsoft's infringement of the '094 Patent in an amount to be determined at trial.

33. On information and belief, Microsoft's infringement of the '094 Patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284.

34. On information and belief, Microsoft's infringement of the '094 Patent is exceptional and entitles Plaintiffs to an award of their attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.



**CLAIM THREE**  
**(Infringement of U.S. Patent No. 5,319,712)**

35. Plaintiffs incorporate by reference as if fully set forth herein the averments contained within Paragraphs 1-16.

36. On information and belief, Microsoft has infringed, induced infringement of, and/or contributorily infringed, and continues to infringe, induce infringement of, and/or contributorily infringe, at least claims 6, 8, 9, 10 and 17 of the '712 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to: (a) making, using, offering to sell, selling and/or importing various models of the Xbox 360, including without limitation: (i) the Xbox 360 S; and (ii) in conjunction with the Xbox 360 Wireless Networking Adapter or the Xbox 360 Wireless N Networking Adapter, the Xbox 360 Core, Xbox 360 Pro/Premium, Xbox 360 Elite, and Xbox 360 Arcade; and/or (b) by inducing others to use the claimed systems and/or to infringe the claimed methods; and/or (c) by contributing to the infringement of others.

37. On information and belief, the various models of the Xbox 360 sold, offered for sale, and/or imported by Microsoft include material parts of the invention of the '712 Patent that are especially made or adapted for use in infringement of the '712 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

38. On information and belief, instructional materials produced by Microsoft (available at, e.g., <http://support.xbox.com/en-us/Pages/default.aspx>) instruct persons how to use these products in accordance with one or more of the asserted claims of the '712 Patent. For example, these materials instruct users on a "step-by-step" method to set up their Xbox 360's wireless connection. *See* XBOX Support: Step-by-Step Wireless Connection,

<http://support.xbox.com/en-us/pages/xbox-live/get-started/connecting/wireless.aspx>. As a further example, users are instructed on the use of secure wireless networks. See XBOX Support: Configure Your Wireless Settings, <http://support.xbox.com/en-us/pages/xbox-live/get-started/connecting/configure-your-wireless-settings.aspx>.

39. On information and belief, Microsoft has contributed to and knowingly induced the infringement of the '712 Patent with respect to the Xbox 360 by selling the Xbox 360 and describing its use with knowledge that such sales and descriptions cause persons to engage in acts that infringe the '712 Patent and with specific intent to encourage infringement of the '712 Patent. Such knowledge and intent are manifest in and can be inferred from, among other places, the instructional materials provided by Microsoft.

40. Microsoft's infringing activities have caused and will continue to cause Plaintiffs irreparable harm for which they have no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

41. Plaintiffs have been and continue to be damaged by Microsoft's infringement of the '712 Patent in an amount to be determined at trial.

42. On information and belief, Microsoft's infringement of the '712 Patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284.

43. On information and belief, Microsoft's infringement of the '712 Patent is exceptional and entitles Plaintiffs to an award of their attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**CLAIM FOUR**  
**(Infringement of U.S. Patent No. 5,357,571)**

44. Plaintiff incorporates by reference as if fully set forth herein the averments contained within Paragraphs 1-16.

45. On information and belief, Microsoft has infringed, induced infringement of, and/or contributorily infringed, and continues to infringe, induce infringement of, and/or contributorily infringe, at least claims 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of the '571 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to: (a) making, using, offering to sell, selling and/or importing various models of the Xbox 360, including without limitation: (i) the Xbox 360 S; and (ii) in conjunction with the Xbox 360 Wireless N Networking Adapter, the Xbox 360 Core, Xbox 360 Pro/Premium, Xbox 360 Elite, and Xbox 360 Arcade; and (iii) in conjunction with the Xbox 360 Wireless Networking Adapter, the Xbox 360 Core, Xbox 360 Pro/Premium, Xbox 360 Elite, and Xbox 360 Arcade; and/or (b) by inducing others to infringe the claimed methods; and/or (c) by contributing to the infringement of others.

46. On information and belief, the various models of the Xbox 360 sold, offered for sale, and/or imported by Microsoft include material parts of the invention of the '571 Patent that are especially made or adapted for use in infringement of the '571 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

47. On information and belief, instructional materials produced by Microsoft (available at, *e.g.*, <http://support.xbox.com/en-us/Pages/default.aspx>) instruct persons how to use these products in accordance with one or more of the asserted claims of the '571 Patent. For example, these materials instruct users on a "step-by-step" method to set up their Xbox 360's

wireless connection. *See* XBOX Support: Step-by-Step Wireless Connection, <http://support.xbox.com/en-us/pages/xbox-live/get-started/connecting/wireless.aspx>. As a further example, users are instructed on the use of secure wireless networks. *See* XBOX Support: Configure Your Wireless Settings, <http://support.xbox.com/en-us/pages/xbox-live/get-started/connecting/configure-your-wireless-settings.aspx>.

48. On information and belief, Microsoft has contributed to and knowingly induced the infringement of the '571 Patent with respect to the Xbox 360 by selling the Xbox 360 and describing its use with knowledge that such sales and descriptions cause persons to engage in acts that infringe the '571 Patent and with specific intent to encourage infringement of the '571 Patent. Such knowledge and intent are manifest in and can be inferred from, among other places, the instructional materials provided by Microsoft.

49. Microsoft's infringing activities have caused and will continue to cause Plaintiffs irreparable harm for which they have no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

50. Plaintiffs have been and continue to be damaged by Microsoft's infringement of the '571 Patent in an amount to be determined at trial.

51. On information and belief, Microsoft's infringement of the '571 Patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284.

52. On information and belief, Microsoft's infringement of the '571 Patent is exceptional and entitles Plaintiffs to an award of their attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**CLAIM FIVE**  
**(Infringement of U.S. Patent No. 6,069,896)**

53. Plaintiffs incorporate by reference as if fully set forth herein the averments contained within Paragraphs 1-16.

54. On information and belief, Microsoft has infringed, induced infringement of, and/or contributorily infringed, and continues to infringe, induce infringement of, and/or contributorily infringe, at least claims 1, 2, 3 and 12 of the '896 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by their activities, including, but not limited to: (a) making, using, offering to sell, selling and/or importing various models of the Xbox 360, including without limitation the Xbox 360 Pro/Premium, Xbox 360 Elite, Xbox 360 Arcade, Xbox 360 S, and associated wireless accessories; and/or (b) by inducing others to use the claimed systems and/or to infringe the claimed methods; and/or (c) by contributing to the infringement of others.

55. On information and belief, the various models of the Xbox 360 sold, offered for sale, and/or imported by Microsoft include material parts of the invention of the '896 Patent that are especially made or adapted for use in infringement of the '896 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

56. On information and belief, instructional materials produced by Microsoft (available at, *e.g.*, <http://support.xbox.com/en-us/Pages/default.aspx>, <http://support.xbox.com/en-us/pages/xbox-360/get-started/console/connecting-game-controllers.aspx>, and <http://support.xbox.com/en-us/pages/xbox-360/how-to/accessories/connecting-headsets.aspx>) instruct persons how to use these products in accordance with one or more of the asserted claims of the '896 Patent.

57. On information and belief, Microsoft has contributed to and knowingly induced the infringement of the '896 Patent with respect to the Xbox 360 by selling the Xbox 360 and describing its use with knowledge that such sales and descriptions cause persons to engage in acts that infringe the '896 Patent and with specific intent to encourage infringement of the '896 Patent. Such knowledge and intent are manifest in and can be inferred from, among other places, the instructional materials provided by Microsoft.

58. Microsoft's infringing activities have caused and will continue to cause Plaintiffs irreparable harm for which they have no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

59. Plaintiffs have been and continue to be damaged by Microsoft's infringement of the '896 Patent in an amount to be determined at trial.

60. On information and belief, Microsoft's infringement of the '896 Patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284.

61. On information and belief, Microsoft's infringement of the '896 Patent is exceptional and entitles Plaintiffs to an award of their attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**CLAIM SIX**  
**(Infringement of U.S. Patent No. 5,311,516)**

62. Plaintiffs incorporates by reference as if fully set forth herein the averments contained within Paragraphs 1-16.

63. On information and belief, Microsoft has infringed, induced infringement of, and/or contributorily infringed, and continues to infringe, induce infringement of, and/or

contributorily infringe, at least claims 1, 2, 5, 16, 19, 20 and 21 of the '516 Patent, pursuant to 35 U.S.C. § 271(a), (b) and/or (c), literally or under the doctrine of equivalents, in this Judicial District and elsewhere in the United States, by its activities, including, but not limited to: (a) making, using, offering to sell, selling and/or importing various models of the Xbox 360, including without limitation: (i) the Xbox 360 S; and (ii) in conjunction with the Xbox 360 Wireless Networking Adapter or the Xbox 360 Wireless N Networking Adapter, the Xbox 360 Core, Xbox 360 Pro/Premium, Xbox 360 Elite, and Xbox 360 Arcade; and/or (b) by inducing others to use the claimed systems and/or to infringe the claimed methods; and/or (c) by contributing to the infringement of others.

64. On information and belief, the various models of the Xbox 360 sold, offered for sale, and/or imported by Microsoft include material parts of the invention of the '516 Patent that are especially made or adapted for use in infringement of the '516 Patent, that are not staple articles or commodities of commerce suitable for substantial non-infringing uses.

65. On information and belief, instructional materials produced by Microsoft (available at, e.g., <http://support.xbox.com/en-us/Pages/default.aspx>) instruct persons how to use these products in accordance with one or more of the asserted claims of the '516 Patent. For example, these materials instruct users on a "step-by-step" method to set up their Xbox 360's wireless connection. *See* XBOX Support: Step-by-Step Wireless Connection, <http://support.xbox.com/en-us/pages/xbox-live/get-started/connecting/wireless.aspx>.

66. On information and belief, Microsoft has contributed to and knowingly induced the infringement of the '516 Patent with respect to the Xbox 360 by selling the Xbox 360 and describing its use with knowledge that such sales and descriptions cause persons to engage in acts that infringe the '516 Patent and with specific intent to encourage infringement of the '516

Patent. Such knowledge and intent are manifest in and can be inferred from, among other places, the instructional materials provided by Microsoft.

67. Microsoft's infringing activities have caused and will continue to cause Plaintiffs irreparable harm for which they have no adequate remedy at law, unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

68. Plaintiffs have been and continues to be damaged by Microsoft's infringement of the '516 Patent in an amount to be determined at trial.

69. On information and belief, Microsoft's infringement of the '516 Patent is willful and deliberate, and justifies an increase in damages of up to three times in accordance with 35 U.S.C. § 284.

70. On information and belief, Microsoft's infringement of the '516 Patent is exceptional and entitles Plaintiffs to an award of their attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285

#### **DEMAND FOR TRIAL BY JURY**

Plaintiffs demand a trial by jury of all claims and all issues triable by jury in this action.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court enter a judgment:

a. Adjudging that Microsoft has infringed one or more claims of each of the Asserted Patents;

b. Permanently enjoining Microsoft and its directors, officers, employees, attorneys, agents, and all persons in active concert or participation with any of the foregoing



from further acts of infringement, contributory infringement and inducement of infringement of the Asserted Patents;

c. Awarding Plaintiffs damages adequate to compensate them for Microsoft's infringement of the Asserted Patents including pre-judgment and post-judgment interest at the maximum rate permitted by law;

d. Adjudging that Microsoft's infringement of each of the Asserted Patents is willful and deliberate and, therefore, that Plaintiffs are entitled to treble damages as provided by 35 U.S.C. § 284;

e. Adjudging that Microsoft's infringement of the Asserted Patents is willful and deliberate, and, therefore, that this is an exceptional case entitling Plaintiffs to an award of their attorneys' fees for bringing and prosecuting this action, together with interest, and costs of the action, pursuant to 35 U.S.C. § 285; and

f. Awarding to Plaintiffs such other and further relief as this Court deems proper and just.

January 19, 2011

*Of Counsel:*

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Respectfully submitted,

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