

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| Inventor: Hair                      | § | Attorney Docket No.:   |
| United States Patent No.: 5,191,573 | § | 104677-5005-801        |
| Formerly Application No.: 586,391   | § | Customer No. 28120     |
| Issue Date: March 2, 1993           | § |                        |
| Filing Date: September 18, 1990     | § | Petitioner: Apple Inc. |
| Former Group Art Unit: 2313         | § |                        |
| Former Examiner: Hoa Nguyen         | § |                        |

For: Method for Transmitting a Desired Digital Video or Audio Signal

MAIL STOP PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF  
UNITED STATES PATENT NO. 5,191,573 PURSUANT TO 35 U.S.C. § 321,  
37 C.F.R. § 42.304<sup>1</sup>**

Pursuant to 35 U.S.C. § 321 and 37 C.F.R. § 42.304, the undersigned, on behalf of and acting in a representative capacity for petitioner, Apple Inc. (“Petitioner” and real party in interest), hereby petitions for review under the transitional program for covered business method patents of claims 1, 2, 4, and 5 of U.S. Patent No. 5,191,573 (“the ’573 Patent”), issued to Arthur R. Hair and currently assigned to SightSound LLC (“SightSound,” also referred to as “Applicant,” “Patent Owner,” or “Patentee”). Petitioner hereby asserts that it is more likely than not that at least one of the

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<sup>1</sup> As directed by the Board in Paper No. 7, Petitioner hereby resubmits the Petition and accompanying Exhibits to address formality issues identified therein.

challenged claims is unpatentable for the reasons set forth herein and respectfully requests review of, and judgment against, claims 1, 2, 4 and 5 as unpatentable under 35 U.S.C. §§ 101 and 112.

As discussed in Section I, *infra*, Petitioner has concurrently filed Petitions seeking covered business method review of the '573 Patent, requesting judgment against these same claims under §§ 102 and 103. Petitioner has additionally filed Petitions seeking covered business method reviews of the (related) '440 Patent, requesting judgment against claims in that patent under § 101 for claiming patent ineligible subject matter and for obviousness-type double patenting in one Petition, and under §§ 102 and 103 in a second concurrent Petition. Petitioner notes that the Director, pursuant to Rule 325(c), may determine at the proper time that merger or other coordination of these proceedings, including at minimum coordination of proceedings involving the same patent, is appropriate.

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| <b>EXHIBIT LIST</b> |  |
|---------------------|--|
| Exhibit 1001        | United States Patent No. 5,191,573   |
| Exhibit 1002        | United States Patent No. 5,191,573 File History  |
| Exhibit 1003        | Application No. 90/007,402 ('573 Patent Reexamination).  |
| Exhibit 1004        | United States Patent No. 5,675,734   |
| Exhibit 1005        | United States Patent No. 5,966,440   |
| Exhibit 1006        | United States Patent No. 5,966,440 File History  |
| Exhibit 1007        | David Needle, "From the News Desk: Audio/digital interface for the IBM PC?," InfoWorld, vol. 6, no. 23, p. 9, June 4, 1984                                 |
| Exhibit 1008        | Excerpt from, Larry Israelite, "Home Computing Scenarios for Success," Billboard Magazine Charts the Future (Dec. 1984)                                    |
| Exhibit 1009        | Excerpt from, Steve Dupler, "Compusonics, AT&T Link," Billboard Newspaper, vol. 97 no. 40 (Oct. 5, 1985)   |
| Exhibit 1010        | 10/10/1985 CompuSonics Letter from David Schwartz to Shareholders  |
| Exhibit 1011        | International Patent Application WO85/02310, filed on Nov. 14, 1984, and published on May 23, 1985 ("Softnet")   |
| Exhibit 1012        | United States Patent No. 3,718,906, filed on June 1, 1971, and issued on Feb. 27, 1973 ("Lightner")  |
| Exhibit 1013        | United States Patent No. 3,990,710, filed on Mar. 1, 1971, and published on Nov. 9, 1976 ("Hughes")  |
| Exhibit 1014        | 2/13/13 Order re Claim Construction (D.I. 175), <i>SightSound Techs., LLC v. Apple Inc.</i> , No. 11-1292 (W.D. Pa.)                                       |
| Exhibit 1015        | 11/19/12 Special Master's Report and Recommendation on Claim Construction (D.I. 142), <i>SightSound Techs., LLC v. Apple Inc.</i> , No. 11-1292 (W.D. Pa.) |
| Exhibit 1016        | 4/20/01 Markman Hearing Transcript, <i>SightSound.com Inc., v. N2K, Inc., et al.</i> , No. 98-118 (W.D. Pa.)   |
| Exhibit 1017        | Excerpt from <i>Webster's II New Riverside University Dictionary</i>   |

| <b>EXHIBIT LIST</b> |  |
|---------------------|--|
|                     | (1988)   |
| Exhibit 1018        | Deposition Transcript of Douglas Tygar, dated Oct. 8, 2012<br><i>SightSound Techs., LLC v. Apple Inc.</i> , No. 11-1292 (W.D. Pa.)   |
| Exhibit 1019        | Jennifer Sullivan, “The Battle Over Online Music,” <i>Wired.com</i> (Jan. 29, 1999), available at<br><a href="http://www.wired.com/techbiz/media/news/1999/01/17609">http://www.wired.com/techbiz/media/news/1999/01/17609</a> |
| Exhibit 1020        | Declaration of Dr. John P.J. Kelly, dated Sept. 7, 2012  |
| Exhibit 1021        | Declaration of J.D. Tygar, dated Sept. 7, 2012   |
| Exhibit 1022        | Responsive Declaration of J.D. Tygar, dated Sept. 28, 2012   |
| Exhibit 1023        | Excerpt from Benjamin Krepack and Rod Firestone, <i>Start Me Up! the music biz meets the personal computer</i> , pages 126-127 (Mediac Press May 1986)   |
| Exhibit 1024        | Plaintiff SightSound Techs., LLC’s Expert Report of Dr. J. Douglas Tygar Regarding Infringement, dated April 22, 2013  |
| Exhibit 1025        | Expert Report of Mark M. Gleason, CPA/ABV/CFF, CVA, CLP, dated April 22, 2013  |
| Exhibit 1026        | 7/16/84 CompuSonics Letter from David Schwartz to Shareholders   |
| Exhibit 1027        | Deposition Transcript of Arthur Hair, dated Dec. 11, 2012, <i>SightSound Techs., LLC v. Apple Inc.</i> , No. 11-1292 (W.D. Pa.)  |
| Exhibit 1028        | Deposition Transcript of Scott Sander, dated Dec. 18, 2012, <i>SightSound Techs., LLC v. Apple Inc.</i> , No. 11-1292 (W.D. Pa.)   |
| Exhibit 1029        | <i>Excerpt from Chambers Science and Technology Dictionary</i> (1988)  |
| Exhibit 1030        | Don Crabb, “A Beginner’s Guide to the Ins and Outs of Appletalk LANs,” <i>InfoWorld</i> (April 10, 1989)   |
| Exhibit 1031        | “Inside Macintosh,” Volumes I, II, and III, Addison-Wesley Publishing Company, Inc. (1985)   |
| Exhibit 1032        | Craig Partridge, “The Technical Development of Internet Email,” <i>BBN Technologies</i>  |
| Exhibit 1033        | Excerpt from <i>PC Magazine</i> , Vol. 11 No. 9 (May 12, 1992)   |

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