

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

Inventor: Racz et al.	§	Attorney Docket No.:
United States Patent No.: 8,118,221	§	104677-5008-801
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Issue Date: February 21, 2012	§	
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Former Group Art Unit: 2887	§	
Former Examiner: Thien M. Le	§	

For: Data Storage and Access Systems

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**PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF  
UNITED STATES PATENT NO. 8,118,221 PURSUANT TO 35 U.S.C. § 321,  
37 C.F.R. § 42.304**

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<b>EXHIBIT LIST</b>	
1001	U.S. Patent No. 8,118,221
1002	Plaintiffs' First Amended Complaint
1003	File History for U.S. Patent No. 8,061,598
1004	File History for U.S. Patent No. 8,336,772
1005	U.S. Patent No. 5,675,734
1006	U.S. Patent No. 4,999,806
1007	U.S. Patent No. 4,878,245
1008	U.S. Patent No. 7,334,720
1009	U.S. Patent No. 7,942,317
1010	U.S. Patent No. 5,754,654
1011	File History for U.S. Patent No. 8,118,221
1012	U.S. Patent No. 5,103,392
1013	U.S. Patent No. 5,530,235
1014	U.S. Patent No. 5,629,980
1015	U.S. Patent No. 5,915,019
1016	European Patent Application, Publication No. EP0809221A2
1017	PCT Application Publication No. WO 99/43136
1018	JP Patent Application Publication No. H11-164058 (translation)
1019	JP Patent Application Publication No. H10-269289 (translation)
1020	Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)

<b>EXHIBIT LIST</b>	
1021	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1022	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1023	Declaration of Flora D. Elias-Mique In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1024	U.S. Patent No. 8,033,458
1025	U.S. Patent No. 8,061,598
1026	U.S. Patent No. 8,336,772
1027	File History for U.S. Patent No. 7,334,720
1028	File History for U.S. Patent No. 7,942,317
1029	File History for U.S. Patent No. 8,033,458

## I. INTRODUCTION

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 the real party in interest), hereby petitions for review under the transitional program for covered business method patents of claims 1, 2, 11-14, and 32 (“the challenged claims”) of U.S. Patent No. 8,118,221 (“the ’221 Patent”), issued to Smartflash Technologies Limited and currently assigned to Smartflash LLC (“Smartflash,” 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 challenged claims is unpatentable for the reasons set forth herein and respectfully requests review of, and judgment against, claims 1, 2, 11-14, and 32 as unpatentable under 35 U.S.C. § 102 as anticipated and § 103 as obvious.<sup>1</sup>

As discussed in Section III.B, *infra*, Petitioner has concurrently filed a Petition seeking covered business method review of the ’221 Patent, requesting judgment against these same claims under §§ 102 and 103 based on different prior art references. Petitioner notes that the Director, pursuant to Rule 325(c), may determine at the proper time that merger of these proceedings, or at minimum coordination of proceedings involving the same patent, is appropriate.

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<sup>1</sup> Petitioner is demonstrating, in pending litigation, that these claims are invalid for numerous additional reasons.

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