IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Racz et al.	§	Attorney Docket No.:
United States Patent No.: 8,118,221	§	104677-5008-802
Formerly Application No.: 12/943,872	§	Customer No. 28120
Issue Date: February 21, 2012	§	
Filing Date: November 10, 2010	§	Petitioner: Apple Inc.
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

TABLE OF CONTENTS

EXHIBIT LIST	
1101	U.S. Patent No. 8,118,221
1102	Plaintiffs' First Amended Complaint
1103	File History for U.S. Patent No. 8,061,598
1104	File History for U.S. Patent No. 8,336,772
1105	U.S. Patent No. 5,675,734
1106	U.S. Patent No. 4,999,806
1107	U.S. Patent No. 4,878,245
1108	U.S. Patent No. 7,334,720
1109	U.S. Patent No. 7,942,317
1110	U.S. Patent No. 5,754,654
1111	File History for U.S. Patent No. 8,118,221
1112	U.S. Patent No. 5,103,392
1113	U.S. Patent No. 5,530,235
1114	U.S. Patent No. 5,629,980
1115	U.S. Patent No. 5,915,019
1116	European Patent Application, Publication No. EP0809221A2
1117	PCT Application Publication No. WO 99/43136
1118	JP Patent Application Publication No. H11-164058 (translation)
1119	JP Patent Application Publication No. H10-269289 (translation)
1120	Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)

EXHIBIT LIST	
1121	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1122	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1123	Declaration of Flora D. Elias-Mique In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1124	U.S. Patent No. 8,033,458
1125	U.S. Patent No. 8,061,598
1126	U.S. Patent No. 8,336,772
1127	File History for U.S. Patent No. 7,334,720
1128	File History for U.S. Patent No. 7,942,317
1129	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. § 103 as obvious.[1]

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.

The challenged claims of the '221 Patent merely recite steps and corresponding

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[1] Petitioner is demonstrating, in pending litigation, that these claims are invalid for numerous additional reasons.

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