

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

|                                      |   |                        |
|--------------------------------------|---|------------------------|
| Inventor: Hulst et al.               | § | Attorney Docket No.:   |
| United States Patent No.: 7,334,720  | § | 104677-5008-803        |
| Formerly Application No.: 11/336,758 | § | Customer No. 28120     |
| Issue Date: February 26, 2008        | § |                        |
| Filing Date: January 19, 2006        | § | Petitioner: Apple Inc. |
| Former Group Art Unit: 2876          | § |                        |
| Former Examiner: Steven S. Paik      | § |                        |

For: Data Storage and Access Systems

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**PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF  
UNITED STATES PATENT NO. 7,334,720 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. 7,334,720   |
| 1002                | Plaintiffs' First Amended Complaint   |
| 1003                | File History for U.S. Patent No. 8,118,221  |
| 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. 5,754,654   |
| 1009                | File History for U.S. Patent No. 7,334,720  |
| 1010                | Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review    |
| 1011                | Declaration of Flora D. Elias-Mique In Support of Apple Inc.'s Petition for Covered Business Method Patent Review |
| 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)  |

| <b>EXHIBIT LIST</b> |   |
|---------------------|---|
| 1020                | Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997) |
| 1021                | Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review     |
| 1022                | U.S. Patent No. 7,942,317   |
| 1023                | U.S. Patent No. 8,033,458   |
| 1024                | U.S. Patent No. 8,061,598   |
| 1025                | U.S. Patent No. 8,118,221   |
| 1026                | U.S. Patent No. 8,336,772   |
| 1027                | File History for U.S. Patent No. 7,942,317  |
| 1028                | File History for U.S. Patent No. 8,033,458  |
| 1029                | File History for U.S. Patent No. 8,061,598  |

## 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, 3, 11, and 13-15 of U.S. Patent No. 7,334,720 (“the ’720 Patent”), issued to Smart-Flash 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, 3, 11, and 13-15 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 ’720 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 ’720 Patent merely recite steps and corresponding

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<sup>1</sup> Petitioner is demonstrating, in pending litigation, that these claims are invalid for numerous additional reasons. All emphasis herein added unless otherwise noted.

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