

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE, INC.

Petitioner

v.

SMARTFLASH LLC

Patent Owner

---

Case CBM2014-00105

Patent 7,334,720

---

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

PATENT OWNER’S LIST OF EXHIBITS ..... iii

I. OVERVIEW OF U.S. PATENT NO. 7,334,720 .....1

II. THE CHALLENGED CLAIMS ARE NOT DIRECTED TO A FINANCIAL PRODUCT OR SERVICE.....3

III. THE CHALLENGED CLAIMS OF THE ‘720 PATENT ARE TECHNOLOGICAL INVENTIONS EXEMPT FROM CBM REVIEW .....8

IV. THE MULTIPLE PETITIONS AGAINST THE ‘720 PATENT SHOULD BE TREATED AS A SINGLE PETITION HAVING A LENGTH IN VIOLATION OF 37 CFR 42.24(a)(iii) .....11

V. GINTER DOES NOT ANTICIPATE CLAIM 1 AND NEITHER GINTER ALONE NOR GINTER IN COMBINATION WITH ANY OF THE CITED REFERENCES RENDERS OBVIOUS THE CHALLENGED CLAIMS OF THE PETITION.....13

A. Anticipation of Claim 1 by Ginter .....13

B. Obviousness of Claims 1, 3, 11, and 13-15 in Light of Ginter.....14

C. Obviousness of Claim 1 in Light of Ginter and Maari .....15

D. Obviousness in Light of Ginter and Stefik .....15

E. Obviousness in light of Ginter and Sato .....18

F.	Obviousness in light of Ginter and Poggio.....	18
G.	Obviousness in light of Ginter, Poggio and Stefik .....	20
VI.	WECHSELBERGER’S DECLARATION SHOULD NOT BE CONSIDERED.....	20
VII.	CONCLUSION.....	23

## PATENT OWNER'S LIST OF EXHIBITS

Exhibit Number	Exhibit Description
2001	Congressional Record - House, June 23, 2011, H4480-4505
2002	Congressional Record - Senate, Sep. 8, 2011, H5402-5443

Patent Owner sets forth below, in its Preliminary Response, why no Covered Business Method (CBM) review should be instituted for the patent-at-issue.

Arguments presented herein are presented without prejudice to presenting additional arguments in a later response should the PTAB institute a CBM review.

## I. OVERVIEW OF U.S. PATENT NO. 7,334,720

Although the claims define the actual scope of coverage of the patent, as described in the first paragraph of the BACKGROUND OF THE INVENTION, the patent-at-issue, U.S. Patent No. 7,334,720 (hereinafter “the ‘720 patent”) generally describes “data storage and access systems ... [and] is particularly useful for managing stored audio and video data, but may also be applied to storage and access of text and software, including games, as well as other types of data.” Col. 1, lines 6-14.

Preferred embodiments described in the first paragraph of col. 16 illustrate this further: “FIG. 7 ... shows a variety of content access terminals for accessing data supply computer system 120 over internet 142. The terminals are provided with an interface to a portable data carrier or ‘smart Flash card’ (SFC) as generally described with reference to FIG. 2 and as described in more detail below. In most embodiments of the terminal the SFC interface allows the smart Flash card data carrier to be inserted into and removed from the terminal, but in some

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.