

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

SMARTFLASH LLC,
Patent Owner.

Case CBM2014-00106¹
Patent 8,033,458 B2

PATENT OWNER'S LIST OF PROPOSED MOTIONS

¹ Case CBM2014-00107 has been consolidated with the instant proceeding.

The Patent Trial and Appeal Board ("Board") has scheduled an initial conference call for Wednesday, October 29, 2014. Pursuant to the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765-66 (Aug. 14, 2012), Patent Owner submits the following list of proposed motions it is currently considering filing. This list is provided without prejudice to Patent Owner's right to seek authorization to file additional motions or to decide not to file motions listed.

I. Motions For Use of Video-Recorded Testimony

Pursuant to 37 CFR § 42.53(a), Patent Owner reserves the right to file motions to submit video-recorded testimony.

II. Motions for Additional Discovery

Patent Owner has requested that the Petitioner inform the Patent Owner whether it will consent to additional discovery on the operation of systems and software operated by Petitioner, but Patent Owner has not yet received a response from Petitioner. Patent Owner reserves the right to file a motion for additional discovery to obtain additional information on those systems and software operated by Petitioner.

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III. Additional Topics for Discussion at Initial Conference Call

Petitioner has filed a declaration in this proceeding and in multiple other proceedings from the same declarant. Patent Owner intends to take the deposition of the declarant and seeks to receive guidance from the Board as to what procedures should be followed to allow a single deposition to be taken of the declarant (and future declarants) such that a single deposition transcript can be used in both proceedings (albeit filed separately in each proceeding).

Dated: October 27, 2014

/ Michael R. Casey /

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this PATENT OWNER'S LIST OF PROPOSED MOTIONS was served today, by agreement of the parties by emailing a copy to counsel for the Petitioner as follows:

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