IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Racz et al. §   Attorney Docket No.:

United States Patent No.: 8,061,598 §   104677-5008-809

Formerly Application No.: 13/012,541 §   Customer No. 28120

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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. 8,061,598 PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304

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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, 7, 13, 15, 26, and 31 of U.S. Patent No. 8,061,598 ("the '598 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, 7, 13, 15, 26, and 31 as unpatentable under 35 U.S.C. §§ 102 and 103.[1]

As discussed in Section III.B, *infra*, Petitioner has concurrently filed a Petition seeking covered business method review of the '598 Patent, requesting judgment against these same claims 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 '598 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. All emphasis herein added unless otherwise noted.

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