

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

Inventor: Racz et al.	§	Attorney Docket No.:
United States Patent No.: 8,336,772	§	104677-5008-805
Formerly Application No.: 13/212,047	§	Customer No. 28120
Issue Date: December 25, 2012	§	
Filing Date: August 17, 2011	§	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. 8,336,772 PURSUANT TO 35 U.S.C. § 321,  
37 C.F.R. § 42.304**

## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	OVERVIEW OF FIELD OF THE CLAIMED INVENTION .....	4
III.	PETITIONER HAS STANDING.....	9
	A. The '772 Patent Is a Covered Business Method Patent.....	9
	1. Exemplary Claim 8 Is Financial In Nature .....	11
	2. Claim 8 Does Not Claim A Technological Invention.....	13
	B. Related Matters; Petitioner Is a Real Party In Interest Sued for and Charged With Infringement .....	17
IV.	DETAILED EXPLANATION OF REASONS FOR RELIEF REQUESTED, SHOWING IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE OF THE CHALLENGED CLAIMS IS UNPATENTABLE.....	18
	A. Claim Construction.....	18
	B. The Challenged Claims Are Invalid Under §§ 102 and/or 103.....	23
	1. Overview of Stefik .....	23
	2. Motivation to Combine Stefik with Poggio .....	27
	3. Motivation to Combine Stefik with Sato.....	29
	4. Claims 8, 10, 19, 22, 30, and 32 are Anticipated by Stefik (Ground 1); Claims 1, 5, 8, 10, 14, 19, 22, 25, 26, 30, and 32 are Obvious in Light of Stefik (Ground 2); Claims 1, 5, 8, 10, 14, 19, 22, 25, 26, 30, and 32 are Obvious in Light of Stefik in View of Poggio (Ground 3); Claims 1, 5, 8, 10, 14, 19, 22, 25, 26, 30, and 32 are Obvious in Light of Stefik in View of Sato (Ground 4); Claims 1, 5, 8, 10, 14, 19, 22, 25, 26, 30, and 32 are Obvious in Light of Stefik in View of Poggio and Sato (Ground 5) . .....	31
V.	CONCLUSION.....	79

<b>EXHIBIT LIST</b>	
1001	United States Patent No. 8,336,772
1002	Plaintiffs' First Amended Complaint
1003	U.S. Patent No. 5,675,734
1004	File History for U.S. Patent No. 8,061,598
1005	File History for U.S. Patent No. 8,118,221
1006	U.S. Patent No. 4,999,806
1007	U.S. Patent No. 4,878,245
1008	U.S. Patent No. 7,334,720
1009	U.S. Patent No. 7,942,317
1010	U.S. Patent No. 8,118,221
1011	File History for U.S. Patent No. 8,336,772
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)
1020	Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)

<b>EXHIBIT LIST</b>	
1021	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1022	U.S. Patent No. 5,754,654
1023	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1024	Declaration of Flora D. Elias-Mique In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1025	U.S. Patent No. 8,033,458
1026	U.S. Patent No. 8,061,598
1027	File History for U.S. Patent No. 7,334,720
1028	File History for U.S. Patent No. 7,942,317
1029	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 Apple Inc. (“Petitioner” and the real party in interest), petitions for review under the transitional program for covered business method patents of claims 1, 5, 8, 10, 14, 19, 22, 25, 26, 30, and 32 (challenged claims) of U.S. Patent No. 8,336,772 (“the ’772 patent”), issued to Smartflash Technologies Limited and assigned to Smartflash LLC (“Patentee”). Petitioner asserts it is more likely than not that at least one of the challenged claims is invalid for the reasons herein and requests review of, and judgment against, the challenged claims under 35 U.S.C. §§ 102 and 103.<sup>1</sup> Petitioner has concurrently filed a Petition seeking CBM review of the ’772 patent, requesting judgment against these same claims based on different prior art. The Director, pursuant to Rule 325(c), may determine that merger or at minimum coordination of these proceedings is appropriate.

The challenged claims merely recite basic computer systems well-known in the field of data storage and access, including a “handheld multimedia terminal for retrieving and accessing protected multimedia content” and a “data access terminal for controlling access to one or more content data items stored on a data carrier.” Ex. 1001 1:24-26. Claim 8, for example, recites four rudimentary components of a data access

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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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