

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent No.: 8,336,772	§	104677-5008-806
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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.....	11
	A. The '772 Patent Is a Covered Business Method (“CBM”) Patent	11
	1. Exemplary Claim 8 Is Financial In Nature	12
	2. Claim 8 Does Not Cover A Technological Invention	15
	B. Related Matters; Petitioner Is a Real Party In Interest Sued for and Charged With Infringement	19
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.....	20
	A. Claim Construction.....	20
	B. The Challenged Claims Are Invalid Under § 103.....	25
	1. Overview of Ginter.....	25
	2. Motivation to Combine Ginter with Poggio.....	29
	3. Motivation to Combine Ginter with Stefik.....	32
	4. Motivation to Combine Ginter with Sato	36
	5. Claims 1, 5, 8, 10, 14, 19, 22, 25, 26, 30, and 32 are Obvious in Light of Ginter (Ground 1), Obvious in Light of Ginter in View of Poggio (Ground 2), and Obvious in Light of Ginter in view of Sato (Ground 3); and Claims 8, 10, 19, 22, 30, and 32 are Obvious in Light of Ginter in View of Stefik (Ground 4).....	38
V.	CONCLUSION.....	75

EXHIBIT LIST	
1101	United States Patent No. 8,336,772
1102	Plaintiffs' First Amended Complaint
1103	U.S. Patent No. 5,675,734
1104	File History for U.S. Patent No. 8,061,598
1105	File History for U.S. Patent No. 8,118,221
1106	U.S. Patent No. 4,999,806
1107	U.S. Patent No. 4,878,245
1108	U.S. Patent No. 7,334,720
1109	U.S. Patent No. 7,942,317
1110	U.S. Patent No. 8,118,221
1111	File History for U.S. Patent No. 8,336,772
1112	U.S. Patent No. 5,103,392
1113	U.S. Patent No. 5,530,235
1114	U.S. Patent No. 5,629,980
1115	U.S. Patent No. 5,915,019
1116	European Patent Application, Publication No. EP0809221A2
1117	PCT Application Publication No. WO 99/43136
1118	JP Patent Application Publication No. H11-164058 (translation)
1119	JP Patent Application Publication No. H10-269289 (translation)
1120	Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)

EXHIBIT LIST	
1121	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1122	U.S. Patent No. 5,754,654
1123	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1124	Declaration of Flora D. Elias-Mique In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1125	U.S. Patent No. 8,033,458
1126	U.S. Patent No. 8,061,598
1127	File History for U.S. Patent No. 7,334,720
1128	File History for U.S. Patent No. 7,942,317
1129	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 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, 5, 8, 10, 14, 19, 22, 25, 26, 30, and 32 (“the 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 hereby 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 § 103.¹ 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. 1101. Claim 8, *e.g.*, recites four rudimentary components of a data access terminal “*for control-*

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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