

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent No.: 7,942,317	§	104677-5008-811
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Issue Date: May 17, 2011	§	
Filing Date: January 15, 2008	§	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. 7,942,317 PURSUANT TO 35 U.S.C. § 321,
37 C.F.R. § 42.304**

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EXHIBIT LIST	
1001	U.S. Patent No. 7,942,317
1002	Plaintiff's First Amended Complaint
1003	U.S. Patent No. 8,118,221
1004	File History for U.S. Patent No. 8,118,221
1005	File History for U.S. Patent No. 8,336,772
1006	U.S. Patent No. 4,999,806
1007	U.S. Patent No. 5,675,734
1008	U.S. Patent No. 4,878,245
1009	U.S. Patent No. 5,754,654
1010	File History for U.S. Patent No. 7,942,317
1011	Declaration of Flora D. Elias-Mique In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
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

EXHIBIT LIST	
	Heider, "The Secure Distribution of Digital Contents," IEEE (1997)
1021	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1022	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1023	U.S. Patent No. 7,334,720
1024	U.S. Patent No. 8,033,458
1025	U.S. Patent No. 8,061,598
1026	U.S. Patent No. 8,336,772
1027	File History for U.S. Patent No. 7,334,720
1028	File History for U.S. Patent No. 8,033,458
1029	File History for U.S. Patent No. 8,061,598

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, 6, 7, 8, 12-14, 16, and 18 (challenged claims) of U.S. Pat. No. 7,942,317 (“the ’317 patent”), issued to Smartflash Technologies Limited and assigned to Smartflash LLC (“Patentee”). Petitioner hereby asserts that it is more likely than not that at least one of the challenged claims is unpatentable for the reasons herein and requests review of, and judgment against, the challenged claims as invalid under 35 U.S.C. §§ 102 and 103.¹ Petitioner has concurrently filed a Petition seeking CBM review of the ’317 patent, requesting judgment against these same claims under 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 steps and corresponding basic computer systems well-known in the field of data storage and access, including methods of “providing data to a data requester, a “computer system for providing data to a data requester,” and a “data access system.” *E.g.*, Ex. 1001 at claims 1, 8, 16, 18; 1:18-21; Abstract “Data storage and access systems are described for downloading and paying

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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