IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Racz et al.	§	Attorney Docket No.:
United States Patent No.: 7,942,317	§	104677-5008-812
Formerly Application No.: 12/014,558	§	Customer No. 28120
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

MAIL STOP PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

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

TABLE OF CONTENTS

EXHIBIT LIST	
1101	U.S. Patent No. 7,942,317
1102	Plaintiff's First Amended Complaint
1103	U.S. Patent No. 8,118,221
1104	File History for U.S. Patent No. 8,118,221
1105	File History for U.S. Patent No. 8,336,772
1106	U.S. Patent No. 4,999,806
1107	U.S. Patent No. 5,675,734
1108	U.S. Patent No. 4,878,245
1109	U.S. Patent No. 5,754,654
1110	File History for U.S. Patent No. 7,942,317
1111	Declaration of Flora D. Elias-Mique In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
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

EXHIBIT LIST	
	Heider, "The Secure Distribution of Digital Contents," IEEE (1997)
1121	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1122	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1123	U.S. Patent No. 7,334,720
1124	U.S. Patent No. 8,033,458
1125	U.S. Patent No. 8,061,598
1126	U.S. Patent No. 8,336,772
1127	File History for U.S. Patent No. 7,334,720
1128	File History for U.S. Patent No. 8,033,458
1129	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. § 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. 1101 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.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.