

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner

v.

SMARTFLASH LLC

Patent Owner

Case CBM2014-00113

Patent 7,942,317

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

PATENT OWNER’S LIST OF EXHIBITS iii

I. OVERVIEW OF U.S. PATENT NO. 7,942,3171

II. THE CHALLENGED CLAIMS ARE NOT DIRECTED TO A FINANCIAL PRODUCT OR SERVICE.....3

III. THE CHALLENGED CLAIMS OF THE ‘317 PATENT ARE TECHNOLOGICAL INVENTIONS EXEMPT FROM CBM REVIEW8

IV. THE MULTIPLE PETITIONS AGAINST THE ‘317 PATENT SHOULD BE TREATED AS A SINGLE PETITION HAVING A LENGTH IN VIOLATION OF 37 CFR 42.24(a)(iii)10

V. NEITHER GINTER ALONE NOR GINTER IN COMBINATION WITH ANY OF THE CITED REFERENCES RENDERS OBVIOUS THE CLAIMS OF THE PETITION12

A. Obviousness in light of Ginter12

B. Obviousness in light of Ginter and Poggio.....13

C. Obviousness in light of Ginter and Stefik.....14

D. Obviousness in light of Ginter and Sato16

E. Obviousness in light of Ginter, Poggio and Stefik17

VI. WECHSELBERGER’S DECLARATION SHOULD NOT BE
CONSIDERED.....17

VII. CONCLUSION.....20

PATENT OWNER'S LIST OF EXHIBITS

Exhibit Number	Exhibit Description
2001	Congressional Record - House, June 23, 2011, H4480-4505
2002	Congressional Record - Senate, Sep. 8, 2011, H5402-5443

Patent Owner sets forth below, in its Preliminary Response, why no Covered Business Method (CBM) review should be instituted for the patent-at-issue.

Arguments presented herein are presented without prejudice to presenting additional arguments in a later response should the PTAB institute a CBM review.

I. OVERVIEW OF U.S. PATENT NO. 7,942,317

Although the claims define the actual scope of coverage of the patent, as described in the first paragraph of the BACKGROUND OF THE INVENTION, the patent-at-issue, U.S. Patent No. 7,942,317 (hereinafter “the ‘317 patent”) generally describes “data storage and access systems ... [and] is particularly useful for managing stored audio and video data, but may also be applied to storage and access of text and software, including games, as well as other types of data.” Col. 1, lines 18-26.

Preferred embodiments described in the last full paragraph of col. 15 illustrate this further: “FIG. 7 ... shows a variety of content access terminals for accessing data supply computer system 120 over internet 142. The terminals are provided with an interface to a portable data carrier or ‘smart Flash card’ (SFC) as generally described with reference to FIG. 2 and as described in more detail below. In most embodiments of the terminal the SFC interface allows the smart Flash card data carrier to be inserted into and removed from the terminal, but in some

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