IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:Hulst et al.Attorney Docket No.: 39843-0005CP2U.S. Patent No.:8,033,458Issue Date:October 11, 2011Appl. Serial No.:12/943,847Filing Date:November 10, 2010Title:DATA STORAGE AND ACCESS SYSTEMS

Mail Stop Patent Board

Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF

UNITED STATES PATENT NO. 8,033,458 PURSUANT TO 35 U.S.C. § 321

AND § 18 OF THE LEAHY-SMITH AMERICA INVENTS ACT

TABLE OF CONTENTS

I.		MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)	. 1
	A.		
	В.		
	C.	Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	
II.		PAYMENT OF FEES	. 2
III.		REQUIREMENTS FOR CBM UNDER 37 C.F.R. § 42.304	. 2
	A.	Grounds for Standing Under 37 C.F.R. § 42.304(a)	. 2
	В.	Challenge Under 37 C.F.R. § 42.304(b) and Relief	. 2
	C.	Claim Constructions under 37 C.F.R. §§ 42.104(b)(3)	. 4
	D.	The '458 Patent is a Covered Business Method Patent	
	E.	The '458 Patent Is Not Directed to a Technological Invention, And	
IV.		Thus, Should Not Be Excluded From the Definition of a CBM Patent SUMMARY OF THE '458 Patent	
	A.	Brief Description	10
	B.	12	
	C.	Summary of the Prosecution History of the '458 Patent	12
V.		MANNER OF APPLYING CITED PRIOR ART TO EVERY CLAIM FOR	
		CBM IS REQUESTED, THUS ESTABLISHING A REASONABLE LIKELIHOO	
THAT	AT	LEAST ONE CLAIM OF THE '458 PATENT IS UNPATENTABLE	13
	A.	GROUND 1 – Ginter Anticipates Claims 11	14
		1. Overview of Ginter	14
		2. Ginter Anticipates Claim 11	24
VI.		CONCLUSION	

EXHIBITS

- SAMSUNG-1001 U.S. Patent No. 8,033,458 to Hulst et al. ("the '458 Patent" or "'458")
- SAMSUNG-1002 Excerpts from the Prosecution History of the '458 Patent ("the Prosecution History")
- SAMSUNG-1003 Declaration of Dr. Jeffrey Bloom re the '458 Patent ("Bloom")
- SAMSUNG-1004 RESERVED
- SAMSUNG-1005 RESERVED
- SAMSUNG-1006 RESERVED

DOCKE

- SAMSUNG-1007 PCT Application PCT/GB00/04110 ("the '110 Appln." or "110")
- SAMSUNG-1008 United Kingdom Patent Application GB9925227.2 ("the '227.2 Appln." or "'227.2")
- SAMSUNG-1009 Transitional Program for Covered Business Method Patents— Definitions of Covered Business Method Patent and Technological Invention, 77 Fed. Reg. 157 (August14, 2012)
- SAMSUNG-1010 A Guide to the Legislative History of the America Invents Act; Part II of II, 21 Fed. Cir. Bar J. No. 4
- SAMSUNG-1011 Interim Guidance for Determining Subject Matter Eligibility for Process Claims in View of Bilski v. Kappos (July 27, 2010)
- SAMSUNG-1012 Apple Inc. v. Sightsound Technologies, LLC, CBM2013-00019 Paper No. 17 (entered October 8, 2013) at 11-13

- SAMSUNG-1013 Volusion, Inc. v. Versata Software, Inc. and Versata Development Group, Inc., CBM2013-00017 Paper No. 8 (entered October 24, 2013)
- SAMSUNG-1014 Salesforce.com, Inc. v. VirtualAgility, Inc., CBM2013-00024 Paper No. 16 (entered November 19, 2013)
- SAMSUNG-1015 RESERVED
- SAMSUNG-1016 RESERVED
- SAMSUNG-1017 U.S. Patent No. 8,061,598
- SAMSUNG-1018 RESERVED
- SAMSUNG-1019 U.S. Patent No. 7,942,317
- SAMSUNG-1020 U.S. Patent Application No. 12/014,558 ("the '558 Appln." or "'558")
- SAMSUNG-1021 U.S. Patent No. 7,334,720 ("the '720 Patent" or "'720")
- SAMSUNG-1022 RESERVED
- SAMSUNG-1023 U.S. Patent No. 5,915,019 ("Ginter")
- SAMSUNG-1024 U.S. Patent Application Serial No. 12/943,847
- SAMSUNG-1025 U.S. Patent Application Serial No. 13/012,541a
- SAMSUNG-1026 RESERVED
- SAMSUNG-1027 RESERVED
- SAMSUNG-1028 RESERVED
- SAMSUNG-1029 RESERVED

RM

Attorney Docket No 39843-0005CP2 CBM of U.S. Patent No. 8,033,458

- SAMSUNG-1030 RESERVED
- SAMSUNG-1031 RESERVED
- SAMSUNG-1032 RESERVED
- SAMSUNG-1033 RESERVED
- SAMSUNG-1034 RESERVED
- SAMSUNG-1035 RESERVED
- SAMSUNG-1036 RESERVED
- SAMSUNG-1037 RESERVED
- SAMSUNG-1038 RESERVED

DOCKET A L A R M



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.