UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

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Case CBM2015-00015
Patent 8,118,221

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**CORRECTED PETITION FOR COVERED BUSINESS METHOD
PATENT REVIEW OF UNITED STATES PATENT NO. 8,118,221
PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304[1]**

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[1] As directed by the Board in Pap. 7, Petitioner hereby resubmits this Petition to address formality issues identified therein.

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1215	U.S. Patent No. 5,915,019
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1218	JP Patent Application Publication No. H11-164058 (translation)
1219	International Publication No. WO 95/34857
1220	Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE

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I.   INTRODUCTION

Pursuant to § 321 and Rule § 42.304,[2] the undersigned, on behalf of and in a representative capacity for Apple Inc. ("Petitioner"), petitions for review under the transitional program for covered business method patents of claim 1, 2, 11, and 32 ("challenged claims") of U.S. Patent No. 8,118,221 ("the '221 Patent" or "'221"), issued to Smartflash Technologies Limited and assigned to Smartflash LLC ("Patentee"). Petitioner asserts it is more likely than not that the challenged claims are unpatentable for the reasons herein and requests review of, and judgment against, claim 1, 2, 11, and 32 as unpatentable under § 101, and claim 32 as unpatentable under § 103. As discussed in Section III.B, *infra*, Petitioner previously filed CBM2014-00102/103 seeking CBM review of the '221 Patent. Those petitions were instituted for trial (and consolidated) with respect to claims 1, 2, and 11-14 on grounds based on § 103, but the Board did not institute trial on claim 32. In its Institution Decision, the Board construed the term "access rule" as "a rule specifying a condition under which access to content is permitted," *id.* Pap. 8, 8, and determined Petitioner had not shown it was more likely than not that it would prevail in demonstrating that Stefik, Poggio, and/or Sato rendered obvious code "responsive to payment validation data"

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[2] Petitioner is demonstrating, in pending litigation, that these claims are invalid for numerous additional reasons. All section cites herein are to 35 U.S.C. or 37 C.F.R., as the context indicates, and all emphasis herein is added unless otherwise noted.

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