

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent No.: 7,942,317	§	104677-5008-816
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

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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**

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	OVERVIEW OF FIELD OF THE CLAIMED INVENTION	4
III.	PETITIONER HAS STANDING.....	11
A.	The '317 Patent Is a Covered Business Method (“CBM”) Patent	11
1.	Exemplary Claim 18 Is Financial In Nature	12
2.	Claim 18 Does Not Cover A Technological Invention	14
(a)	Claim 18 Does Not Recite A Technological Feature That Is Novel and Unobvious	15
(b)	Claim 18 Does Not Solve A Technical Problem Using A Technical Solution	17
B.	Related Matters and Mandatory Disclosures; Petitioner Is a Real Party In Interest Sued For and Charged With Infringement	19
IV.	DETAILED EXPLANATION OF REASONS FOR RELIEF REQUESTED, SHOWING IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE CHALLENGED CLAIM IS UNPATENTABLE	20
A.	Claim Construction.....	20
B.	The Challenged Claims are Unpatentable Under § 101	22
1.	The Challenged Claim is Directed To Abstract Ideas	23
2.	The Challenged Claim Does Not Disclose An “Inventive Concept” That Is “Significantly More” Than an Abstract Idea	26
3.	Field Of Use Limitations Cannot Transform Abstract Ideas Into Patent Eligible Inventions.....	27
4.	Generic Computer Implementation Cannot Transform Abstract Ideas Into Patent Eligible Inventions	28
5.	The Functional Nature Of The Challenged Claims Confirms preemption and Patent Ineligibility	29
6.	Machine-or-Transformation Test Also Confirms Patent Ineligibility	30
V.	CONCLUSION.....	30

EXHIBIT LIST	
1201	U.S. Patent No. 7,942,317
1202	Plaintiff's First Amended Complaint
1203	U.S. Patent No. 5,940,805
1204	U.S. Patent No. 4,999,806
1205	U.S. Patent No. 5,675,734
1206	U.S. Patent No. 4,337,483
1207	File History for U.S. Patent No. 7,942,317
1208	Declaration of Megan F. Raymond In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1209	U.S. Patent No. 5,103,392
1210	U.S. Patent No. 5,530,235
1211	U.S. Patent No. 5,629,980
1212	U.S. Patent No. 5,915,019
1213	European Patent Application, Publication No. EP0809221A2
1214	International Publication No. WO 99/43136
1215	JP Patent Application Publication No. H11-164058 (translation)
1216	Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)
1217	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1218	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1219	U.S. Patent No. 4,878,245

EXHIBIT LIST	
1220	Claim Construction Memorandum Opinion from Smartflash LLC v. Apple Inc., No. 6:13cv447 (Dkt. 229)
1221	U.S. Patent No. 5,925,127

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 (“CBM”) patents of claim 18 (the challenged claim) 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 claim 18 is unpatentable for the reasons herein and requests review of, and judgment against, the challenged claim as unpatentable under 35 U.S.C. § 101.¹

As discussed in Section III.B, *infra*, Petitioner previously filed CBM2014-00112 and CBM-00113 seeking review of claims 1, 6-8, 12, 13, 16, and 18 of the ’317 patent on §§102 and 103 grounds. Those petitions were instituted for trial (and consolidated as CBM2014-00112²) with respect to those claims on the basis of §103.

¹ Petitioner is demonstrating, in pending litigation, that these claims are invalid for numerous additional reasons. All emphasis herein added unless otherwise noted. 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.

² Petitioner respectfully notes that the Director, pursuant to Rule 325(c), may determine after institution that consolidation of these proceedings may be appropriate,

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