

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner (dismissed),

v.

SMARTFLASH LLC,  
Patent Owner.

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Case CBM2015-00018  
Patent 7,942,317 B2

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**PATENT OWNER'S PROVISION OF  
AVAILABLE DATES FOR HEARING**

By Order dated December 8, 2015 the Patent Trial and Appeal Board granted Patent Owner Smartflash LLC's request for an oral hearing in CBM2015-00015 and CBM2015-00018. CBM2015-00015, Paper 51; CBM2015-00018, Paper 39. The Board ordered that by December 11, 2015, Patent Owner Smartflash provide dates and times between December 14 - 16 when it is available for an oral hearing. *Id.*

In response to that Order, Patent Owner respectfully states as follows:

1. Patent Owner respectfully requests that the Board schedule the date of the CBM2015-00015 and -00018 hearings for January 6, 2016 instead of next week. Patent Owner Smartflash will be before the Board in person for already scheduled hearings in CBM2014-00190 (Paper 32), CBM2015-00028 (Papers 12, 26), and CBM2015-00029 (Papers 12, 25), as well as CBM2015-00031 (Paper 12), -00032 (Paper 12), and -00033 (Paper 12). Moreover, doing so will give Patent Owner more time to prepare in light of other preexisting deadlines (including a Federal Circuit argument on December 10, 2015, an interview at the Patent Office on December 15, 2015, and deadlines in CBM2015-00028, -00029, -00031, -00032, and -00033) as well as travel commitments that existed prior to the December 8 Order. As noted at the November 9, 2015 hearing, Patent Owner advised it would need two weeks' notice to prepare (CBM2015-00015, Paper 52 at 10:1-8; CBM2015-00018, Paper 40 at 10:1-8). The current schedule provides for the

hearing just 6 to 8 days after the Order granting the hearing, which is unduly prejudicial, especially in light of the already scheduled January 6, 2016 hearing which would be less prejudicial.

2. In the alternative, and in compliance with the Board's December 8, 2015 Order, Patent Owner Smartflash provides the following dates and times between December 14 - 16 when it is available for an oral hearing:

Tuesday, December 15, 2015 at 1pm - 4pm.

Wednesday, December 16, 2015 at 1pm - 5 pm.

Dated: December 11, 2015

/ Michael R. Casey /

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that this PATENT OWNER'S PROVISION OF AVAILABLE DATES FOR HEARING in CBM2015-00018 was served today, as a courtesy to the dismissed party, by emailing a copy to counsel for the Petitioner as follows:

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Dated: December 11, 2015

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