UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner

v.

SMARTFLASH LLC

Patent Owner

Case CBM2014-00105

Patent 7,334,720

PATENT OWNER'S PRELIMINARY RESPONSE

Smartflash - Exhibit 2043

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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

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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. 7,334,720

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. 7,334,720 (hereinafter "the '720 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 6-14.

Preferred embodiments described in the first paragraph of col. 16 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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