

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Hulst et al.	§	Attorney Docket No.:
United States Patent No.: 7,334,720	§	104677-5008-817
Formerly Application No.: 11/336,758	§	Customer No. 28120
Issue Date: February 26, 2008	§	
Filing Date: January 19, 2006	§	Petitioner: Apple Inc.
Former Group Art Unit: 2876	§	
Former Examiner: Steven S. Paik	§	

For: Data Storage and Access Systems

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**PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF
UNITED STATES PATENT NO. 7,334,720 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	6
III.	PETITIONER HAS STANDING.....	9
	A. The '720 Patent Is a Covered Business Method Patent.....	9
	1. Exemplary Claim 2 Is Financial In Nature	11
	2. Claim 2 Does Not Cover A Technological Invention	13
	(a) Claim 2 Does Not Recite A Technological Feature That Is Novel and Unobvious.....	13
	(b) Claim 2 Does Not Solve A Technical Problem Using A Technical Solution	16
	B. Related Matters and Mandatory Notice Information; Petitioner Is a Real Party In Interest Sued for and Charged With Infringement.....	18
IV.	DETAILED EXPLANATION OF REASONS FOR RELIEF REQUESTED, SHOWING IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE CHALLENGED CLAIM IS UNPATENTABLE	19
	A. Claim Construction.....	21
	B. The Challenged Claims Are Unpatentable Under 35 U.S.C. § 101.....	25
	1. Claims Are Directed To Abstract Ideas	26
	2. Claims Do Not Disclose An “Inventive Concept” That Is “Significantly More” Than An Abstract Idea	29
	3. Field Of Use Limitations Cannot Create Patent Eligibility	30
	4. Generic Computer Implementation Cannot Transform Abstract Ideas Into Patent Eligible Inventions	31
	5. Functional Nature Confirms Preemption and Ineligibility.....	35
	6. Machine-or-Transformation Test Also Confirms Patent Ineligibility.....	37
	C. Challenged Claim 1 Is Unpatentable Under 35 U.S.C. § 103.....	38
V.	CONCLUSION.....	71

EXHIBIT LIST	
1201	U.S. Patent No. 7,334,720
1202	Plaintiffs' First Amended Complaint
1203	U.S. Patent No. 5,925,127
1204	U.S. Patent No. 5,940,805
1205	Russell Housley and Jan Dolphin, "Metering: A Pre-pay Technique," Storage and Retrieval for Image and Video Databases V, Conference Volume 3022, 527 (January 15, 1997)
1206	U.S. Patent No. 4,999,806
1207	U.S. Patent No. 5,675,734
1208	U.S. Patent No. 4,878,245
1209	File History for U.S. Patent No. 7,334,720
1210	U.S. Patent No. 7,942,317
1211	U.S. Patent No. 5,103,392
1212	U.S. Patent No. 5,530,235
1213	U.S. Patent No. 5,629,980
1214	U.S. Patent No. 5,915,019
1215	European Patent Application, Publication No. EP0809221A2
1216	International Application Publication No. WO 99/43136
1217	JP Patent Application Publication No. H11-164058 (translation)
1218	Eberhard von Faber, Robert Hammelrath, and Franz-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)
1219	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review

EXHIBIT LIST	
1220	U.S. Patent No. 8,033,458
1221	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1222	Declaration of Megan F. Raymond In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1223	Claim Construction Memorandum Opinion from <i>Smartflash LLC v. Apple Inc.</i> , No. 6:13-cv-447 (Dkt. 229)
1224	File History for U.S. Patent No. 8,061,598
1225	U.S. Patent No. 4,337,483
1226	U.S. Patent No. 7,725,375
1227	International Publication No. WO 95/34857
1228	JP Patent Application Publication No. H10-269289 (translation)
1229	File History for U.S. Patent No. 7,942,317
1230	File History for U.S. Patent No. 8,033,458
1231	U.S. Patent No. 8,061,598
1232	U.S. Patent No. 8,118,221
1233	File History for U.S. Patent No. 8,118,221
1234	U.S. Patent No. 8,336,772
1235	File History for U.S. Patent No. 8,336,772
1236	U.S. Patent No. 5,646,992

I. INTRODUCTION

Pursuant to § 321 and Rule 42.304,¹ 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 claims 1 and 2 (“challenged claims”) of U.S. Pat No. 7,334,720 (“the ’720 Patent” or “’720”), issued to Smartflash Limited and currently 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, claims 1 and 2 as unpatentable under § 101 as claiming unpatentable subject matter, and claim 1 under § 103 as obvious.

As discussed in Section III.B, *infra*, Petitioner has concurrently filed a Petition seeking covered business method review, requesting judgment against these same ’720 claims based on different art. Petitioner notes that the Director, pursuant to Rule 325(c), may determine at the proper time that merger of these proceedings, or at minimum coordination of proceedings involving the same patent, is appropriate. As also discussed in Section III.B, *infra*, Petitioner previously filed CBM2014-00104/105 seeking review of the ’720 under §§ 102 and 103. Those petitions were not instituted. In

¹ 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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