

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

Case CBM2015-00029
Patent 7,334,720 B2

CORRECTED 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. § 42.304¹

¹ As directed by the Board in Paper 4, Petitioner hereby resubmits this Petition to address formality issues identified therein.

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EXHIBIT LIST	
1301	U.S. Patent No. 7,334,720
1302	Plaintiffs' First Amended Complaint
1303	U.S. Patent No. 5,925,127
1304	U.S. Patent No. 5,940,805
1305	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)
1306	U.S. Patent No. 4,999,806
1307	U.S. Patent No. 5,675,734
1308	U.S. Patent No. 4,878,245
1309	File History for U.S. Patent No. 7,334,720
1310	U.S. Patent No. 7,942,317
1311	U.S. Patent No. 5,103,392
1312	U.S. Patent No. 5,530,235
1313	U.S. Patent No. 5,629,980
1314	U.S. Patent No. 5,915,019
1315	European Patent Application, Publication No. EP0809221A2
1316	International Publication No. WO 99/43136
1317	JP Patent Application Publication No. H11-164058 (translation)
1318	Eberhard von Faber, Robert Hammelrath, and Frank-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)
1319	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1320	U.S. Patent No. 8,033,458

EXHIBIT LIST	
1321	Declaration of Michael P. Duffey In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1322	Declaration of Megan F. Raymond In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
1323	Claim Construction Memorandum Opinion from Smartflash LLC v. Apple Inc., No. 6:13cv447 (Dkt. 229)
1324	File History for U.S. Patent No. 8,061,598
1325	U.S. Patent No. 4,337,483
1326	U.S. Patent No. 7,725,375
1327	International Publication No. WO 95/34857
1328	JP Patent Application Publication No. H10-269289 (translation)
1329	File History for U.S. Patent No. 7,942,317
1330	File History for U.S. Patent No. 8,033,458
1331	U.S. Patent No. 8,061,598
1332	U.S. Patent No. 8,118,221
1333	File History for U.S. Patent No. 8,118,221
1334	U.S. Patent No. 8,336,772
1335	File History for U.S. Patent No. 8,336,772
1336	U.S. Patent No. 5,646,992

I. INTRODUCTION

Pursuant to § 321 and Rule 42.304,² the undersigned, on behalf of Apple Inc. (“Petitioner”), petitions for covered business method review of claims 3 and 13-15 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 and requests review of, and judgment against, claims 3 and 13-15 as unpatentable under § 101 and § 103.

Petitioner has concurrently filed a second CBM Petition against different ’720 claims under § 101 and § 103. The Director, pursuant to Rule 325(c), may determine that merger, or at minimum coordination, of these proceedings, is appropriate. Petitioner previously filed CBM2014-00104/105 on the ’720 under §§ 102 and 103. In its Decision Denying Institution, the Board construed “access rule” as “a rule specifying a condition under which access to content is permitted,” *id.*, Pap. 9, at 8, and determined Petitioner had not shown it was more likely than not that it would prevail in demonstrating that Stefik and Poggio, Maari, and/or Sato rendered obvious limitations related to “access rule[s].” *Id.* Pap. 9, at 13-20. In light of the Board’s decision, Petitioner now identifies additional prior art—Kopp and Smith (Exs. 1304, 1327)—

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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