

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Racz et al.	§	Attorney Docket No.:
United States Patent No.: 8,336,772	§	104677-5008-818
Formerly Application No.: 13/212,047	§	Customer No. 28120
Issue Date: December 25, 2012	§	
Filing Date: August 17, 2011	§	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. 8,336,772 PURSUANT TO 35 U.S.C. § 321,
37 C.F.R. § 42.304**

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EXHIBIT LIST	
1201	U.S. Patent No. 8,336,772
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. 8,336,772
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 Publication No. WO 99/43136
1217	JP Patent Application Publication No. H11-164058 (translation)
1218	Eberhard von Faber, Robert Hammelrath, and Frank-Peter Heider, "The Secure Distribution of Digital Contents," IEEE (1997)

Covered Business Method Patent Review
United States Patent No. 8,336,772

EXHIBIT LIST	
1219	Declaration of Anthony J. Wechselberger In Support of Apple Inc.'s Petition for Covered Business Method Patent Review
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 Smartflash LLC v. Apple Inc., No. 6:13cv447 (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. 7,334,720
1235	File History for U.S. Patent No. 7,334,720
1236	U.S. Patent No. 5,646,992

I. INTRODUCTION

Pursuant to § 321 and Rule § 42.304,¹ the undersigned, on behalf of and acting in a representative capacity for Apple Inc. (“Petitioner”), petitions for review under the transitional program for covered business method patents of claims 1, 5, 8, and 10 (challenged claims) of U.S. Pat. No. 8,336,772, issued to Smartflash Technologies Limited and assigned to Smartflash LLC (“Patentee”). Petitioner asserts it is more likely than not that at least the challenged claims are unpatentable for the reasons herein and requests review of, and judgment against, the challenged claims under §§ 101 and 103.

As discussed in Sec. III.B., *infra*, Petitioner has concurrently filed two other CBM Petitions, requesting judgment against different ’772 claims based on different prior art. The Director, pursuant to Rule 325(c), may determine that merger or at minimum coordination of these proceedings is appropriate.

Petitioner previously filed CBM2014-00110/111 seeking review of the ’772 patent under §§102 and 103. In its Decisions Denying Institution, the Board determined that Petitioner had not shown that it was more likely than not that it would prevail in demonstrating that Stefik and/or Ginter, or Stefik or Ginter combined with

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 added unless otherwise noted.

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