

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

SMARTFLASH LLC,  
Patent Owner

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Case CBM2015-00032  
Patent 8,336,772 B2

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**DECLARATION OF MICHAEL P. DUFFEY IN SUPPORT OF  
PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

I, Michael P. Duffey, make the following Declaration pursuant to  
28 U.S.C. § 1746:

1. I am a Litigation Paralegal Specialist at the law firm of  
Ropes & Gray LLP.

2. I provide this Declaration in connection with the above-identified  
Covered Business Method Patent Review proceeding requested at the United

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States Patent and Trademark Office by Apple Inc. under 35 U.S.C. § 321, 37 C.F.R. § 42.304. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Exhibit 1337 hereto is a true and correct copy of excerpts from the transcript of the April 8th, 2015 Deposition of Jonathan Katz, Ph.D. Vol. 1, taken in connection with the Covered Business Method Patent Review proceedings CBM2014-00102, -00106, -00108, and 00112, which was transcribed and certified by Cappy Hallock, RPR, CRR, CLR, Certified Shorthand Reporter, licensed in the District of Columbia, of GregoryEdwards LLC, and delivered to me on April 14, 2015. An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document but no other alterations have been made.

4. Exhibit 1338 hereto is a true and correct copy of an Order, filed in *Smartflash LLC, et al. v. Apple Inc., et al.*, Civil Action No. 6:13-cv-447, before the District Court of the Eastern District of Texas, which I downloaded on August 18, 2015 from the Public Access to Court Electronic Records (“PACER”) website and is a record of the aforementioned District Court (Dkt. No. 585) to which all parties have access. The Order contains markings at the top of each page indicating the PACER filing information. An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document but no other alterations have been made.

5. Exhibit 1339 hereto is a true and correct copy of United States Patent No. 8,083,137 to Mary C. Tannenbaum, which I downloaded on August 24, 2015 from the United States Patent and Trademark Office (“USPTO”) Patent Application Information Retrieval (“PAIR”) website and which is a record of the USPTO to which all parties have access. An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document but no other alterations have been made.

6. Exhibit 1340 hereto is a true and correct copy of United States Patent No. 7,603,382 to Gerald B. Halt, Jr., which I downloaded on August 24, 2015 from the United States Patent and Trademark Office (“USPTO”) Patent Application Information Retrieval (“PAIR”) website and which is a record of the USPTO to which all parties have access. An exhibit label on the first page and page numbers on all pages have been added to the bottom of this document but no other alterations have been made.

7. Exhibit 1341 hereto is a true and correct copy of United States Patent No. 7,970,713 to Vladimir Gorelik, Andrew Ian Atherton, and Nina Barrameda Zumel, which I downloaded on August 24, 2015 from the United States Patent and Trademark Office (“USPTO”) Patent Application Information Retrieval (“PAIR”) website and which is a record of the USPTO to which all parties have access. An

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exhibit label on the first page and page numbers on all pages have been added to the bottom of this document but no other alterations have been made.

8. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of September, 2015, at East Palo Alto, CA.



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Michael P. Duffey