

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

Case CBM2015-00033
Patent 8,336,772 B2

Mailed: December 5, 2014

Before MEGAN SKUBAL, *Trial Paralegal*

NOTICE OF DEFECTIVE PETITION

The petition for covered business method patent review in the above proceeding has been accorded the filing date of November 25, 2014.

A review of the petition identified the following defects:

Improper usage of claim charts under 37 C.F.R. § 42.6(a)(2)(iii). Claim charts may not include arguments, claim construction, statements of law, or detailed explanations as to why a claim limitation is taught or rendered obvious by the prior art. Petitioner's claim charts at pages 46–79 contain improper argument.

Petitioner must correct the defects within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defects may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R.

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§ 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>.

If there are any questions pertaining to this notice, please contact Megan Skubal at 571-272-1650 or the Patent Trial and Appeal Board at 571-272-7822.

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