CBM2015-00033 United States Patent No. 8,336,772 B2

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

CORRECTED 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. § 42.304¹

dress formality issues identified therein.

DOCKET

¹ As directed by the Board in Paper 4, Petitioner hereby resubmits this Petition to ad-

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I. II. III.	. OVERVIEW OF FIELD OF THE CLAIMED INVENTION		
	А.	The '772 Patent Is a Covered Business Method ("CBM") Patent7	
		 Exemplary Claim 30 Is Financial In Nature	
	В.	Related Matters and Mandatory Notice Information; Petitioner Is a Real Party In Interest Sued for and Charged With Infringement	
IV.	SHO	AILED EXPLANATION OF REASONS FOR RELIEF REQUESTED, WING IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE LLENGED CLAIM IS UNPATENTABLE	
	А. В.	Claim Construction	
		 Claims Are Directed To Abstract Ideas	
		 "Significantly More" Than An Abstract Idea	
		 Abstract Ideas Into Patent Eligible Inventions	
	С.	The Challenged Claims Are Invalid Under § 103	
		1. Overview of Stefik	
		2. Motivation to Combine Stefik with Poggio	
		 Motivation to Combine Stefik with Poggio and Subler	
		Ahmad	
		5. Motivation to Combine Stefik with Poggio, Subler, Ahmad, and Kopp	
		6. Motivation to Combine Stefik with Poggio, Subler, Ahmad, and Sato	
		7. Claims 25, 26, 30, and 32 are Obvious in Light of Stefik in view of Poggio, Subler, and Ahmad (Ground 2), Obvious in Light of Stefik in View of Poggio, Subler, Ahmad, and	

Poggio, in Ligh	Ground 3), Obvious in Light of Stefik in View of , Subler, Ahmad, and Sato (Ground 4), and Obvious t of Stefik in View of Poggio, Subler, Ahmad, Kopp, to (Ground 5)
(a)	Cl. 25: A handheld multimedia terminal for retrieving and accessing protected multimedia
(b)	content, comprising:
(c)	Cl. 25: non-volatile memory configured to store multimedia content, wherein said multimedia content comprises one or more of music data,
(d)	video data and computer game data;
(e)	Cl. 25: a processor coupled to said non-volatile memory, said program store, said wireless interface and a user interface to allow a user to select and
(f)	play said multimedia content;
(g)	Cl. 25: code to request identifier data identifying one or more items of multimedia content available for retrieving via said wireless interface;
(h)	Cl. 25: code to receive said identifier data via said wireless interface, said identifier data identifying said one or more items of multimedia content
(i)	available for retrieving via said wireless interface;
(j)	by said identifier data;

(k)	Cl. 25: code to present said content information pertaining to said identified one or more items of
	multimedia content available for retrieving to a
	user on said display;
(1)	Cl. 25: code to receive a first user selection
	selecting at least one of said one or more items of
	multimedia content available for retrieving;
(m)	Cl. 25: code responsive to said first user selection
	of said selected at least one item of multimedia
	content to transmit payment data relating to
	payment for said selected at least one item of
	multimedia content via said wireless interface for
(n)	validation by a payment validation system;
(n)	Cl. 25: code to receive payment validation data via
	said wireless interface defining if said payment
	validation system has validated payment for said
(a)	selected at least one item of multimedia content;
(0)	Cl. 25: code responsive to said payment validation data to retrieve said selected at least one item of
	multimedia content via said wireless interface from
	a data supplier and to write said retrieved at least one item of multimedia content into said non-
	volatile memory,
(p)	Cl. 25: code to receive a second user selection
(\mathbf{p})	selecting one or more of said items of retrieved
	multimedia content to access;
(q)	Cl. 25: code to read use status data and use rules
(9)	from said non-volatile memory pertaining to said
	second selected one or more items of retrieved
	multimedia content; and
(r)	Cl. 25: code to evaluate said use status data and use
(1)	rules to determine whether access is permitted to
	said second selected one or more items of retrieved
	multimedia content,
(s)	Cl. 25: wherein said user interface is operable to
	enable a user to make said first user selection of
	said selected at least one item of multimedia
	content available for retrieving,
(t)	Cl. 25: wherein said user interface is operable to
< / <	1

	enable a user to make said second user selection of said one or more items of retrieved multimedia	
	content available for accessing, and	69
(u)	Cl. 25: wherein said user interface is operable to	
	enable a user to access said second user selection	
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(w)	Cl. 30: A data access terminal for controlling access	
	to one or more content data items stored on a data	
	carrier, the data access terminal comprising:	72
(x)	Cl. 30: a user interface;	
(y)	Cl. 30: a data carrier interface;	74
(\mathbf{Z})	Cl. 30: a program store storing code implementable	
	by a processor; and	75
(aa)	Cl. 30: a processor coupled to the user interface, to	
	the data carrier interface and to the program store	
	for implementing the stored code, the code	
	comprising:	76
(bb)	Cl. 30: Remaining Claim 30 limitations	78
(cc)	Cl. 32: A data access terminal as claimed in claim	
	30, wherein said data access terminal is integrated	
	with a mobile communications device and	
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CONCLUSION		

V.

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