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. § 42.304<sup>1</sup>

dress formality issues identified therein.

DOCKET

<sup>&</sup>lt;sup>1</sup> As directed by the Board in Paper 4, Petitioner hereby resubmits this Petition to ad-

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| I.<br>II.<br>III. | . OVERVIEW OF FIELD OF THE CLAIMED INVENTION |   |  |
|-------------------|--|---|--|
|                   | А.   | The '772 Patent Is a Covered Business Method ("CBM") Patent7  |  |
|                   |  | <ol> <li>Exemplary Claim 30 Is Financial In Nature</li></ol>  |  |
|                   | В.   | Related Matters and Mandatory Notice Information; Petitioner Is a Real<br>Party In Interest Sued for and Charged With Infringement  |  |
| IV.               | SHO  | AILED EXPLANATION OF REASONS FOR RELIEF REQUESTED,<br>WING IT IS MORE LIKELY THAN NOT THAT AT LEAST ONE<br>LLENGED CLAIM IS UNPATENTABLE                                      |  |
|                   | А.<br>В.                                     | Claim Construction  |  |
|                   |  | <ol> <li>Claims Are Directed To Abstract Ideas</li></ol>  |  |
|                   |  | <ul> <li>"Significantly More" Than An Abstract Idea</li></ul>   |  |
|                   |  | <ul> <li>Abstract Ideas Into Patent Eligible Inventions</li></ul>   |  |
|                   | С.   | The Challenged Claims Are Invalid Under § 103   |  |
|                   |  | 1. Overview of Stefik   |  |
|                   |  | 2. Motivation to Combine Stefik with Poggio   |  |
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|                   |  | Ahmad   |  |
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|                   |  | 6. Motivation to Combine Stefik with Poggio, Subler, Ahmad,<br>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,<br>in Ligh | Ground 3), Obvious in Light of Stefik in View of<br>, Subler, Ahmad, and Sato (Ground 4), and Obvious<br>t of Stefik in View of Poggio, Subler, Ahmad, Kopp,<br>to (Ground 5) |
|--------------------|---|
| (a)                | Cl. 25: A handheld multimedia terminal for<br>retrieving and accessing protected multimedia   |
| (b)                | content, comprising:  |
| (c)                | Cl. 25: non-volatile memory configured to store<br>multimedia content, wherein said multimedia<br>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<br>memory, said program store, said wireless interface<br>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<br>one or more items of multimedia content available<br>for retrieving via said wireless interface;                       |
| (h)                | Cl. 25: code to receive said identifier data via said<br>wireless interface, said identifier data identifying<br>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<br>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<br>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   |
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| (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 |
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|                | enable a user to access said second user selection   |    |
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|                | by a processor; and  | 75 |
| (aa)           | Cl. 30: a processor coupled to the user interface, to  |    |
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| CONCLUSION     |  |    |

**V**.

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