

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

SMARTFLASH LLC,
Patent Owner

Case CBM2015-00123
Patent 8,033,458

**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 States Patent and Trademark Office by Apple Inc. under 35 U.S.C. § 321, 37

Apple Exhibit 1046

C.F.R. § 42.304. Unless otherwise stated, the facts stated in this Declaration are based on my personal knowledge.

3. Exhibit 1040 hereto is a true and correct copy of Brief for Plaintiffs-Appellees Smartflash LLC (“SF Appeal Brief”), filed in *Smartflash LLC, et al. v. Apple Inc., et al.*, Appeal No. 2016-1059, before the United States Court of Appeals for the Federal Circuit, which I downloaded on April 19, 2016 from the Public Access to Court Electronic Records (“PACER”) website and is a record of the aforementioned Federal Circuit (Dkt. No. 40) to which all parties have access. The SF Appeal Brief 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.

4. Exhibit 1041 hereto is a true and correct copy of United States Patent No. 8,083,137 to Mary C. Tannenbaum, which I downloaded on April 21, 2016 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.

5. Exhibit 1042 hereto is a true and correct copy of United States Patent No. 7,603,382 to Gerald B. Halt, Jr., which I downloaded on April 21, 2016 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 1043 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 April 19, 2016 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 1044 hereto is a true and correct copy of the Record of Oral Hearing held on November 9, 2015 in CBM2014-00192, -00193, -00194, -00199, and CBM2015-00015, -00016, -00017, and -00018, which I downloaded on April 19, 2016 from United States Patent and Trademark Office (“USPTO”) Patent Trial Appeal Board (“PTAB”) website and which is a record of the PTAB 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.

8. Exhibit 1045 hereto is a true and correct copy of United States Patent No. 7,346,545 to Dana Howard Jones, which I downloaded on April 19, 2016 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.

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

Executed this 26th day of April, 2016, at East Palo Alto, CA.



Michael P. Duffey