

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Racz et al.	§	Attorney Docket No.:
United States Patent No.: 8,033,458	§	104677-5008-827
Formerly Application No.: 12/943,847	§	Customer No. 28120
Issue Date: October 11, 2011	§	
Filing Date: November 10, 2010	§	Petitioner: Apple Inc.
Former Group Art Unit: 2887	§	
Former Examiner: Thien M. Le	§	

For: Data Storage and Access Systems

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Patent Trial and Appeal Board  
United States Patent and Trademark Office  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION OF MICHAEL P. DUFFEY IN SUPPORT OF PETITION  
FOR COVERED BUSINESS METHOD PATENT REVIEW OF  
UNITED STATES PATENT NO. 8,033,458  
PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304**

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 that is being requested at the  
United 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 1001 hereto is a true and correct copy of United States Patent No. 8,033,458 to Hermenard Hulst and Patrick Racz, which I downloaded on January 31, 2014 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.

4. Exhibit 1002 hereto is a true and correct copy of Plaintiffs’ First Amended Complaint for Patent Infringement (“Amended Complaint”), 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 February 24, 2014 from the Public Access to Court Electronic Records (“PACER”) website and is a record of the aforementioned District Court (Dkt. No. 72) to which all parties have access. The Amended Complaint 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 1004 hereto is a true and correct copy of the file history for United States Patent No. 8,033,458 to Hermenard Hulst and Patrick Racz, which I downloaded on January 29, 2014 from the USPTO 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 1006 hereto is a true and correct copy of United States Patent No. 4,999,806 to Fred Chernow and Randy J. Peterson, which I downloaded on February 3, 2014 from the USPTO 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 1007 hereto is a true and correct copy of United States Patent No. 5,675,734 to Arthur R. Hair, which I downloaded on February 3, 2014 from the USPTO 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.

8. Exhibit 1009 hereto is a true and correct copy of United States Patent No. 4,878,245 to Graham C. Bradley, Alton O. Stretten, John P. Stretten, and Rex B. Wentzel, which I downloaded on February 3, 2014 from the USPTO 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.

9. Exhibit 1010 hereto is a true and correct copy of United States Patent No. 7,334,720 to Patrick Racz and Hermenard Hulst, which I downloaded on January 31, 2014 from the USPTO 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.

10. Exhibit 1012 hereto is a true and correct copy of United States Patent No. 5,103,392 to Ryoichi Mori, which I downloaded on March 10, 2014 from the USPTO 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.

11. Exhibit 1013 hereto is a true and correct copy of United States Patent No. 5,530,235 to Mark J. Stefik, Daniel G. Bobrow, Stuart K. Card, Michalene M. Casey, Richard J. Goldstein, Michael G. Lamming, Jock D. Mackinlay, Roy Want, George G. Robertson, Mark D. Weiser, and Daniel M. Russell, which I downloaded on February 24, 2014 from the USPTO 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.

12. Exhibit 1014 hereto is a true and correct copy of United States Patent No. 5,629,980 to Mark J. Stefik and Michalene M. Casey, which I downloaded on February 24, 2014 from the USPTO 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.

13. Exhibit 1015 hereto is a true and correct copy of United States Patent No. 5,915,019 to Karl L. Ginter, Victor H. Shear, Francis J. Spahn, and David M. Van Wie, which I downloaded on February 24, 2014 from the USPTO 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.

14. Exhibit 1016 hereto is a true and correct copy of European Patent Application EP 0 809 221 A2, filed on May 6, 1997 by Sun Microsystems, Inc., and published on November 26, 1997, which I downloaded on February 24, 2014 from the European Patent Office's Espacenet search page 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.

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