

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

EVOLUTIONARY INTELLIGENCE, LLC,

Patent Owner.

Patent No. 7,010,536

Issue Date: March 7, 2006

Title: SYSTEM AND METHOD FOR CREATING AND MANIPULATING
INFORMATION CONTAINERS WITH DYNAMIC REGISTERS

Case IPR: IPR2014-00083

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,010,536
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.1-.80 & 42.100-.123**

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Attachment A. Proof of Service of the Petition

Attachment B. List of Evidence and Exhibits Relied Upon in Petition

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW

A. Certification the '536 and '682 Patents May Be Contested by Petitioner

Petitioner certifies it is not barred or estopped from requesting *inter partes* review of U.S. Patent No. 7,010,536 (the '536 patent) (Ex. 1001). Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the '536 patent. The '536 patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner.

Petitioner also certifies this petition for *inter partes* review is filed within one year of the date of service of a complaint alleging infringement of a patent. Petitioner was served with a complaint alleging infringement of the '536 and '682 patents on **October 23, 2012**, which led to Civil Action No. 6:12-cv-00783-LED in the District of Eastern District of Texas. Ex.1008. Subsequently, Civil Action No. 6:12-cv-00783-LED was transferred to the Northern District of California and became Civil Action No. 3:13-cv-4201-WHA.

Because the date of this petition is less than one year from October 23, 2012, this petition complies with 35 U.S.C. § 315(b).

B. Fee for Inter Partes Review (§ 42.15(a))

The Director is authorized to charge the fee specified by 37 CFR § 42.15(a) to Deposit Account No. 18-1260.

C. Mandatory Notices (37 CFR § 42.8(b))

1. Real Party in Interest (§ 42.8(b)(1))

The real party of interest of this petition pursuant to § 42.8(b)(1) is Apple Inc. (“Apple”) located at One Infinite Loop, Cupertino, CA 95014.

2. Other Proceedings (§ 42.8(b)(2))

The ‘536 patent is the subject of a number of civil actions. These actions were originally filed in the Eastern District of Texas but have been transferred to the Northern District of California. These cases include: (1) *Evolutionary Intelligence LLC v. Facebook, Inc.*, Case No. 3:13-cv-4202-JSC; (2) *Evolutionary Intelligence LLC v. FourSquare Labs, Inc.*, Case No. 3:13-cv-4203-EDL; (3) *Evolutionary Intelligence LLC v. Groupon, Inc.*, Case No. 3:13-cv-4204-LB; (4) *Evolutionary Intelligence LLC v. LivingSocial, Inc.*, Case No. 3:13-cv-4205-EDL; (5) *Evolutionary Intelligence LLC v. Millennial Media, Inc.*, Case No. 5:13-cv-4206-HRL; (6) *Evolutionary Intelligence LLC v. Twitter, Inc.*, Case No. 4:13-cv-4207-KAW; and (7) *Evolutionary Intelligence LLC v. Sprint Nextel Corp. et al.*, Case No. 3:13-cv-4513-JCS.

In addition, the ‘536 patent is the subject of another IPR, IPR2014-00082, IPR2014-00085, and IPR2014-00086. The related ‘682 patent is the subject of IPR2014-00079 and IPR2014-00080.

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