

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

Issued: March 7, 2006

Filed: January 28, 1999

Inventor: Michael De Angelo

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

Inter Partes Review No. IPR2014-00085

CORRECTED PETITION FOR *INTER PARTES* REVIEW

TABLE OF CONTENTS

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR *INTER PARTES* REVIEW..... 4

A. Certification the '536 Patent May Be Contested by Petitioner..... 4

B. Fee for *Inter Partes* Review (§ 42.15(a))..... 4

C. Mandatory Notices (37 CFR § 42.8(b)) 5

1. Real Party in Interest (§ 42.8(b)(1))..... 5

2. Other Proceedings (§ 42.8(b)(2))..... 5

3. Designation of Lead and Backup Counsel..... 6

4. Service Information (§ 42.8(b)(4)) 6

D. Proof of Service (§§ 42.6(e) and 42.105(a)) 6

II. IDENTIFICATION OF CLAIMS BEING CHALLENGED (§ 42.104(B)) 6

III. RELEVANT INFORMATION CONCERNING THE CONTESTED PATENT 7

A. Effective Filing Date and Prosecution History of the '536 Patent..... 7

B. Person of Ordinary Skill in the Art 7

C. Construction of Terms Used in the Claims 8

1. Container 8

2. Register 9

3. Gateway 11

4. “Active Space Register” / “Passive Register For Identifying Space” / “Neutral Space Register” 12

5. Means Elements (Claims 9-12)..... 13

IV. PRECISE REASONS FOR RELIEF REQUESTED 15

A. Claims 2-14 and 16 Are Anticipated by Ex. 1005 (Anderson)..... 15

1. Claim 2 is Anticipated by Ex. 1005 15

2. Claim 3 is Anticipated by Ex. 1005 19

3. Claim 4 is Anticipated by Ex. 1005 20

Petition for *Inter Partes* Review of U.S. Patent No. 7,010,536

4.	Claim 5 is Anticipated by Ex. 1005	21
5.	Claim 6 is Anticipated by Ex. 1005	22
6.	Claim 7 is Anticipated by Ex. 1005	22
7.	Claim 8 is Anticipated by Ex. 1005	23
8.	Claim 9 is Anticipated by Ex. 1005	24
9.	Claim 10 is Anticipated by Ex. 1005	24
10.	Claim 11 is Anticipated by Ex. 1005	25
11.	Claim 12 is Anticipated by Ex. 1005	26
12.	Claim 13 is Anticipated by Ex. 1005	27
13.	Claim 14 is Anticipated by Ex. 1005	28
14.	Claim 16 is Anticipated by Ex. 1005	29
B.	Claim 2 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	30
C.	Claim 4 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	31
D.	Claim 5 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	32
E.	Claim 6 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	34
F.	Claim 7 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	35
G.	Claim 8 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	36
H.	Claim 13 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	37
I.	Claim 16 Would Have Been Obvious Based on Ex. 1005 (Anderson) in View of General Knowledge in the Field	38
J.	Claims 2-14 and 16 Are Anticipated by Ex. 1006 (Dussell)	38
1.	Claim 2 is Anticipated by Ex. 1006 (Dussell)	38
2.	Claim 2 is Anticipated by Ex. 1006 (Dussell)	43
3.	Claim 4 is Anticipated by Ex. 1006 (Dussell)	44

Petition for *Inter Partes* Review of U.S. Patent No. 7,010,536

4.	Claim 5 is Anticipated by Ex. 1006 (Dussell)	44
5.	Claim 6 is Anticipated by Ex. 1006 (Dussell)	45
6.	Claim 7 is Anticipated by Ex. 1006 (Dussell)	45
7.	Claim 8 is Anticipated by Ex. 1006 (Dussell)	45
8.	Claim 9 is Anticipated by Ex. 1006 (Dussell)	46
9.	Claim 10 is Anticipated by Ex. 1006 (Dussell)	47
10.	Claim 11 is Anticipated by Ex. 1006 (Dussell)	48
11.	Claim 12 is Anticipated by Ex. 1006 (Dussell)	49
12.	Claim 13 is Anticipated by Ex. 1006 (Dussell)	49
13.	Claim 14 is Anticipated by Ex. 1006 (Dussell)	50
14.	Claim 16 is Anticipated by Ex. 1006 (Dussell)	50
V.	CONCLUSION.....	51

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 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 7,010,536 (the '536 patent) (Ex. 1001) is available for *inter partes* review. Petitioner certifies that it is not barred or estopped from requesting *inter partes* review of the claims of the '536 patent on the grounds identified in this Petition. 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)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.