

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. IPR2014-00086

PETITION FOR *INTER PARTES* REVIEW

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Attachment A. Proof of Service of the Petition

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**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. 1007. 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. 50-1597.

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 civil action Civil Action No. 3:13-cv-04201-LB, served on Petitioner on October 23, 2012, and naming Petitioner as defendant. It is also the subject of the following cases: (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. These actions were originally filed in the Eastern District of Texas but have been transferred to the Northern District of California.

The ‘536 patent is also the subject of three other IPRs filed concurrently with this one. Those IPRs are numbered: IPR2014-00082, IPR2014-00083, and IPR2014-00085.

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