IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Steven Krampf, et al.	
U.S. Patent No.:	8,090,309	Attorney Docket No.: 39521-0016IP1
Issue Date:	January 3, 2012	
Appl. Serial No.:	11/967,692	
Filing Date:	December 31, 2007	
Title:	ENTERTAINMENT SYSTEM WITH UNIFIED CONTENT SELECTION	

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PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 8,090,309 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42

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APPLE-1003	Declaration of Professor Ray Mercer
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APPLE-1010	Reserved
APPLE-1011	US Publication No. 2002/0071448 ("Cervello")
APPLE-1012	PCT Publication No. WO 02/13429 ("Davidi")
APPLE-1013	Canadian Patent No. 2,388,986 ("Kiss")

Apple, Inc. ("Petitioner" or "Apple") petitions for Inter Partes Review ("IPR") under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 of claims 1-14 ("the Challenged Claims") of U.S. Patent No. 8,090,309 ("the '309 Patent"). As explained in this petition, there exists a reasonable likelihood that Apple will prevail with respect to at least one of the Challenged Claims. The Challenged Claims are unpatentable based on teachings set forth in at least the references presented in this petition. Apple respectfully submits that an IPR should be instituted, and that the Challenged Claims should be canceled as unpatentable.

I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner, Apple, Inc. is the real party-in-interest.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Petitioner is not aware of any disclaimers, reexamination certificates or petitions for inter partes review for the '309 Patent. The '309 Patent is the subject of Civil Action No. 1:15-cv-00261, filed March 25, 2015 in the District of Delaware.

C. Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)

Apple provides the following designation of counsel.

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D. Service Information

Please address all correspondence and service to counsel at the address provided in Section I(C). Apple also consents to electronic service by email at IPR39521-0016IP1@fr.com.

II. PAYMENT OF FEES – 37 C.F.R. § 42.103

Apple authorizes the Patent and Trademark Office to charge Deposit Account No. 06-1050 for the fee set in 37 C.F.R. § 42.15(a) for this Petition and further authorizes payment for any additional fees to be charged to this Deposit Account.

III. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Apple certifies that the '309 Patent is available for IPR. The present petition is being filed within one year of service of a complaint against Apple in Civil Action No. 1:15-cv-00261, filed March 25, 2015 in the District of Delaware. Apple is not barred or estopped from requesting this review challenging the Challenged Claims on the below-identified grounds.

B. Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested

Apple requests an IPR of the Challenged Claims on the grounds set forth in the table shown below, and requests that each of the Challenged Claims be found unpatentable. An explanation of how these claims are unpatentable under the statutory grounds identified below is provided in the form of detailed description and

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