

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.: 39521-0016IP2
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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EXHIBITS

- APPLE-1001 U.S. Patent No. 8,090,309 to Krampf et al. (“the ’309 Patent”)
- APPLE-1002 Prosecution History of the ’309 Patent (“the Prosecution History”)
- APPLE-1003 Declaration of Professor Ray Mercer (“Mercer”)
- APPLE-1004 Curriculum Vitae of Professor Ray Mercer
- APPLE-1005 US Publication No. 2005/0132405 (“AbiEzzi”)
- APPLE-1006 US Patent No. 6,563,769 (“Van Der Meulen” or “VDM”)
- APPLE-1007 US Patent No. 8,156,528 (“Baumgartner”)
- APPLE-1008 US Patent No. 6,728,729 (“Jawa”)
- APPLE-1009 US Publication No. 2003/0236906 (“Klemets”)
- APPLE-1010 US Publication No. 2002/0129693 (“Wilks”)
- APPLE-1011 US Patent No. 8,577,205 (“Barton”)
- APPLE-1012 US Patent No. 7,542,814 (“Barr”)
- APPLE-1013 US Publication No. 2002/0093593 (“Perkes”)
- APPLE-1014 US Patent No. 5,666,422 (“Harrison”)
- APPLE-1015 US Patent No. 6,897,905 (“Kaminosono”)
- APPLE-1016 US Publication No. 2002/0080166 (“Sweatt”)

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 instituted 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)

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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 IPR39521-0016IP2@fr.com, with a cc to PTABInbound@fr.com.

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

Apple authorizes the Patent and Trademark Office to charge Deposit Acct. 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

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