

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of:

Trial Number: To Be Assigned

U.S. Patent No. 8,559,635

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Inventor(s): John Christopher Harvey, James
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Assignee: Personalized Media Communications

Title: Signal Processing Apparatus and Methods Panel: To Be Assigned

Mail Stop *Inter Partes* Review

Commissions for Patents

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**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,559,635
UNDER 35 U.S.C. § 311 AND 37 C.F.R. § 42.100**

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Apple Inc. (“Apple”) requests *inter partes* review (“IPR”) of Claims 1-4, 7, 13, 18, 20, 21, 28-30, 32, and 33 (“the Challenged Claims”) of U.S. Patent No. 8,559,635 (“the ’635 patent”) (Ex. 1003).

In 1981, the named inventors of the ’635 patent filed U.S. Patent Appl. No. 06/317,510, which issued as U.S. Patent No. 4,694,490 (“the ’490 patent”) to Personalized Media Communications, LLC (“PMC”). Ex. 1004. In 1987, PMC then filed a continuation-in-part of that application, which discarded the original 22-column specification filed in 1981 and substituted a new specification that spanned over 300 columns. Ex. 1003. In the months leading up to June 8, 1995, PMC filed 328 continuations from that 1987 application, having tens of thousands of claims and deluging the Patent Office with thousands of prior art references. Ex. 1005; Ex. 1032. The ’635 patent is one of the patents that issued from that flurry of activity.

I. IDENTIFICATION OF CHALLENGE – 37 C.F.R. § 42.104(B)

A. 37 C.F.R. § 42.104(b)(1): Claims for Which IPR Is Requested

Apple requests IPR of the Challenged Claims of the ’635 patent.

B. 37 C.F.R. § 42.104(b)(2): The Specific Art and Statutory Ground(s) on Which the Challenge Is Based

IPR of the Challenged Claims is requested in view of the prior art listed below. In the district court (and during prosecution), PMC has asserted the Challenged Claims are entitled to the Nov. 3, 1981 priority date. Ex. 1019 at 6.

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