

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: James J. Fallon, et al.
U.S. Patent No.: 8,880,862 Attorney Docket No.: 39521-0025IP1
Issue Date: November 4, 2014
Appl. Serial No.: 13/118,122
Filing Date: May 27, 2011
Title: SYSTEMS AND METHODS FOR ACCELERATED
LOADING OF OPERATING SYSTEMS AND APPLICA-
TION PROGRAMS

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**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT
NO. 8,880,862 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

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EXHIBITS

- APPLE-1001 U.S. Patent No. 8,880,862 to Fallon, et al. (“the ’862 Patent”)
- APPLE-1002 Excerpts from the Prosecution History of the ’862 Patent (“the Prosecution History”)
- APPLE-1003 Declaration of Dr. Charlie Neuhauser (“Dec.”)
- APPLE-1004 Curriculum Vitae of Dr. Charlie Neuhauser
- APPLE-1005 U.S. Patent No. 5,860,083 (“Sukegawa”)
- APPLE-1006 U.S. Patent No. 6,374,353 (“Settsu”)
- APPLE-1007 Burrows et al., “On-line Data Compression in a Log-structured File System” (1992) (“Burrows”)
- APPLE-1008 U.S. Patent No. 6,145,069 (“Dye”)
- APPLE-1009 U.S. Patent No. 7,190,284 (“Dye’284”)
- APPLE-1010 U.S. Patent No. 6,317,818 (“Zwiegincew”)
- APPLE-1011 Jeff Prosis, DOS 6 – The Ultimate Software Bundle?, PC MAGAZINE, Apr. 13, 1993 (“Prosis”)
- APPLE-1012 Excerpts from John L. Hennessey & David A. Patterson, Computer Architecture a Quantitative Approach (1st ed. 1990) (“Hennessey”)
- APPLE-1013 (RESERVED)
- APPLE-1014 File, Microsoft Press Computer Dictionary (3d ed. 1997)
- APPLE-1015 Excerpts from Tom Shanley & Don Anderson, PCI System Architecture, (4th ed. 1999) (“Shanley”)

- APPLE-1016 Jacob Ziv & Abraham Lempel, A Universal Algorithm for Sequential Data Compression, IT-23 No. 3 IEEE TRANSACTIONS ON INFORMATION THEORY 337 (1977)(“Ziv”)
- APPLE-1017 James A. Storer & Thomas G. Szymanski, Data Compression via Textual Substitution, 19 No. 4 JOURNAL OF THE ASSOCIATION FOR COMPUTING MACHINERY (1982)(“Storer”)
- APPLE-1018 Program File, Microsoft Press Computer Dictionary (3d ed. 1997)
- APPLE-1019 Direct Memory Access, Microsoft Press Computer Dictionary (3d ed. 1997)
- APPLE-1020 RAM and RAM Cache, Microsoft Press Computer Dictionary (3d ed. 1997)
- APPLE-1021 Decoder, Microsoft Press Computer Dictionary (3d ed. 1997)
- APPLE-1022 (RESERVED)
- APPLE-1023 Excerpts from Kyle Loudon, Mastering Algorithms with C (1999) (“Loudon”)
- APPLE-1024 Excerpts from Michael Barr, Programming Embedded Systems in C and C++ (1999)(“Barr”)
- APPLE-1025 Excerpts from Eric Pearce, Windows NT in a Nutshell (1999)(“Pearce”)
- APPLE-1026 Excerpts from Tim O’Reilly, Troy Mott, and Walter Glenn, Windows 98 in a Nutshell (1999)(“O’Reilly”)
- APPLE-1027 Cache, Microsoft Press Computer Dictionary (3d ed. 1997)

Apple Inc. petitions for *inter partes* review (“IPR”) of claims 1-4, 6-7, 13, 23-34, 47-58, 83-96, 99-100, 105-111, 113, and 116 (“the Challenged Claims”) of U.S. 8,880,862 (“’862 Patent”). IPR should be instituted, as a reasonable likelihood exists that Apple will prevail in proving the Challenged Claims unpatentable.

I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8

A. Real Party-In-Interest

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

B. Related Matters

Apple is not aware of any disclaimers, certificates, or petitions for IPR for the ’862 Patent. The ’862 Patent has been the subject of two civil actions in the Eastern District of Texas, captioned as Civil Action Nos. 4-14-cv-00827 and 6:15-cv-0085, and one civil action in the Northern District of California, captioned as Civil Action No. 3-16-cv-02595 (currently pending). Apple previously filed two petitions for IPR of related patents in IPR control nos. IPR2016-01365 and IPR2016-01366. Apple is concurrently filing two additional petitions against the ’862 Patent, each challenging different claims than challenged in this petition.

C. Lead And Back-Up Counsel

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