

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Vidya Narayanan, et al.
U.S. Patent No.: 8,768,865 Attorney Docket No.: 39521-0042IP1
Issue Date: July 1, 2014
Appl. Serial No.: 13/269,516
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Title: LEARNING SITUATIONS VIA PATTERN MATCHING

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**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT
NO. 8,768,865 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

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EXHIBITS

- APPLE-1001 U.S. Patent No. 8,768,865 to Narayanan, et al. (“the ‘865 patent”)
- APPLE-1002 Excerpts from the Prosecution History of the ‘865 Patent (“the Prosecution History”)
- APPLE-1003 Declaration of Dr. James Allen
- APPLE-1004 Curriculum Vitae of Dr. James Allen
- APPLE-1005 Wang et al, “*A Framework of Energy Efficient Mobile Sensing for Automatic User State Recognition*”, Proceedings of the 7th international conference on Mobile systems, applications, and services, pp. 179-192 , Kraków, Poland — June 22 - 25, 2009 (“Wang”)
- APPLE-1006 “Qualcomm Incorporated Compliant for Patent Infringement,” filed on November 29th, 2017, from Case No. 3:17-cv-02402-WQH-MDD filed in S.D. CA. (“Compliant”)
- APPLE-1007 Exhibit 865 of “Qualcomm Inc.’s Patent Initial Infringement Contentions,” filed on March 2nd, 2018, from Case No. 3:17-cv-02402-WQH-MDD filed in S.D. CA. (“Infringement Contentions”)
- APPLE-1008 U.S. Patent Application Publication No. 2010/0217533 to Nadkarni et al. (“Nadkarni”)
- APPLE-1009 U.S. Patent Application Publication No. 2008/0297513 to Greenhill et al. (“Greenhill”)

- APPLE-1010 Webpage of “Nokia N95 8GB - Full phone specifications” (Archive.org version dated 05/26/2009, http://web.archive.org/web/20090526054459/http://www.gsmarena.com:80/nokia_n95_8gb-2088.php) (“Nokia N95”)
- APPLE-1011 U.S. Patent No. US 8,676,224 to Louch (“Louch”)
- APPLE-1012 U.S. Patent Application Publication No. 2011/0066383 to Jangle et al. (“Jangle”)
- APPLE-1013 U.S. Patent No. 9575776 to De Andrade Cahayba et al. (“De Andrade Cahayba”)
- APPLE-1014 U.S. Patent Application Publication No. 2011/0081634 to Kurata (“Kurata”)
- APPLE-1015 Declaration of Mr. Chris Butler for Nokia N95/APPLE-1010
- APPLE-1016 Declaration of Mr. Scott Delman for Wang/APPLE-1005
- APPLE-1017 Cohn, D., Caruana, R., & McCallum, A. *Semi-supervised clustering with user feedback in Constrained Clustering: Advances in Algorithms, Theory, and Applications*, 4(1), 17-32 (2009). (“Cohn”)
- APPLE-1018 Ruzzelli, A., Nicolas, C. Schoofs, A., O’Hare, G. Real-time recognition and profiling of appliances through a single electricity sensor, Proc. 7th Annual IEEE Conference on Sensor Mesh (SECON), Boston. MA 2010. (“Ruzzelli”)
- APPLE-1019 Cilla, R., Particio, M., Garcia, J., Berlanga, A., and Molina, J. Recognizing Human Activities from Sensors Using Hidden Markov Models Constructed by Feature Selection, *Algorithms 2009*, 2: pp282-300. (“Cilla”)
- APPLE-1020 The Seventh Edition of the Authoritative Dictionary of IEEE Standards Terms (2000)

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 1-6, 8-25, 27-30, 46-49, 51-53 (“the Challenged Claims”) of U.S. Patent No. 8,768,865 (“the ’865 Patent”).

The Challenged Claims are unpatentable based on teachings set forth in at least the references presented in this petition. Petitioner respectfully submits that an IPR should be instituted and the Challenged Claims should be canceled as unpatentable.

I. REQUIREMENTS FOR IPR

A. Grounds for Standing

Apple certifies that the ’865 Patent is available for IPR. The present petition is being filed within one year of service of a complaint against Apple in Case No. 3:17-cv-02402-WQH-MDD (S.D. CA). Apple is not barred or estopped from requesting this review of the Challenged Claims.

B. Challenge and Relief Requested

Petitioner requests IPR of the Challenged Claims on the grounds in the table below, as explained in this petition and in APPLE-1003, Dr. James Allen’s Declaration (“Expert-Declaration1”).

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