

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

FIRSTFACE CO., LTD.,

Patent Owner.

Case IPR2019-00613

U.S. Patent No. 9,633,373

PETITION FOR *INTER PARTES* REVIEW

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LIST OF EXHIBITS

- 1001 U.S. Patent No. 9,633,373 to Jung et al.
- 1002 Prosecution History File of Application No. 14/848,156, which matured into U.S. Patent No. 9,633,373
- 1003 Declaration of Benjamin B. Bederson
- 1004 Declaration of Michael Hulse
- 1005 [*intentionally left blank*]
- 1006 [*intentionally left blank*]
- 1007 Apple iPhone OS 3.1 User Guide (September 2009)
- 1008 [*intentionally left blank*]
- 1009 [*intentionally left blank*]
- 1010 [*intentionally left blank*]
- 1011 [*intentionally left blank*]
- 1012 [*intentionally left blank*]
- 1013 U.S. Patent Application Publication No. 2010/0017872 to Goertz et al.
- 1014 German Patent Application Publication No. DE 197 10 546 A1 to Herfet (certified English translation + German language publication)
- 1015 U.S. Patent Application Publication No. 2010/0138914 to Davis et al.
- 1016 U.S. Patent No. 8,443,199 to Kim et al.
- 1017 U.S. Patent No. 8,965,449 to Rivera et al.
- 1018 U.S. Patent Application Publication No. 2013/0082974 to Kerr et al.
- 1019 U.S. Patent No. 9,703,468 to Reeves et al.

...

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- 1020 U.S. Patent No. 9,104,288 to Wever et al.
- 1021 Peter H. Lewis, *THE EXECUTIVE COMPUTER; Compaq Finally Makes a Laptop*, The New York Times (October 23, 1988) (<https://www.nytimes.com/1988/10/23/business/the-executive-computer-compaq-finally-makes-a-laptop.html>)
- 1022 J. Flinn & M. Satyanarayanan, *Energy-aware adaptation for mobile applications*, 33 SIGOPS Oper. Syst. Rev. 48-63 (December 12, 1999) (DOI=<http://dx.doi.org/10.1145/319344.319155>)
- 1023 A. Roy, S. M. Rumble, R. Stutsman, P. Levis, D. Mazières, & N. Zeldovich, *Energy Management in Mobile Devices with the Cinder Operating System*, Proceedings of the sixth conference on Computer systems (EuroSys '11), Pages 139-52 (April 10, 2011) (DOI=<http://dx.doi.org/10.1145/1966445.1966459>)
- 1024 *Your Palm Treo 680 Smart Device User Guide* (2006) (https://www.att.com/support_static_files/manuals/Palm_Treo_680.pdf)
- 1025 D. Muthukumaran, A. Sawani, J. Schiffman, B. M. Jung, & T. Jaeger, *Measuring Integrity on Mobile Phone Systems*, Proceedings of the 13th ACM symposium on Access control models and technologies (SACMAT '08), Pages 155-64 (June 11, 2008) (DOI=<http://dx.doi.org/10.1145/1377836.1377862>)
- 1026 M. Landman, *Managing Smart Phone Security Risks*, 2010 Information Security Curriculum Development Conference (InfoSecCD '10), Pages 145-55 (October 1, 2010) (DOI=<http://dx.doi.org/10.1145/1940941.1940971>)
- 1027 U.S. Patent Application Publication No. 2012/0133484 to Griffin
- 1028 [intentionally left blank]
- 1029 [intentionally left blank]
- 1030 [intentionally left blank]
- 1031 Declaration of Yosh Moriarty

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