

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Nehushtan et al.  
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Title: CELLULAR DEVICE SECURITY APPARATUS AND METHOD

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**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT  
NO. 9,635,544 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

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## EXHIBITS

- APPLE-1001 U.S. Patent 9,635,544 to Nehushtan et al. (“the ’544 patent”)
- APPLE-1002 Excerpts from the Prosecution History of the ’544 patent (“the Prosecution History”)
- APPLE-1003 Declaration of Dr. Patrick Traynor
- APPLE-1004 U.S. Patent No. 8,635,661 (“Shahbazi”)
- APPLE-1005 U.S. Patent No. 7,181,726 (“Fam”)
- APPLE-1006 U.S. Patent No. 6,463,534 (“Geiger”)
- APPLE-1007 U.S. Patent Application Publication No. 2001/0051519 (“Shirai”)
- APPLE-1008 Klemetti, Aarne, “PDA Operating Systems,” EVTEK, Media Technology, 2002
- APPLE-1009 “The Symbian Platform Version 6.0: Power and Innovation,” The Wayback Machine (accessed 10/11/2022), available at <https://web.archive.org/web/20010303233643/http://www.symbiaandevnet.com>
- APPLE-1010 RNN Trust’s Complaint for Patent Infringement in *R.N Nehushtan Trust Ltd. v. Apple Inc.*, 3:22-cv-01832-LB (N.D.Cal. March 23, 2021) (“Infringement Complaint”)
- APPLE-1011 U.S. Provisional Application No. 60/531,668 (“Shahbazi Provisional”)
- APPLE-1012 United States Department of Defense, Department of Defense Standard, “Trusted Computer System Evaluation Criteria”, DoD 5200.28-STD

- APPLE-1013 Polly Sprenger, Wired Magazine, “Pirates Sneer at Intel Chip”  
<https://www.wired.com/1999/01/pirates-sneer-at-intel-chip/>,  
Jan 22, 1999.
- APPLE-1014 Jason Miller, Federal News Network, “10 Years Later, CAC is  
securely part of DoD”
- APPLE-1015 Arnis Parsovs, “Estonian Electronic Identity Card: Security  
Flaws in Key Management”, USENIX Security 2020.
- APPLE-1016 C. Stephen Carr, “Network Subsystem for Time Sharing  
Hosts”, IETF RFC 15, 25 September, 1969.
- APPLE-1017 ITU-T Recommendation E.212 (1993)
- APPLE-1018 GSMA, <https://www.gsma.com/aboutus/history>, Accessed 16  
November 2022
- APPLE-1019 Research in Motion, 2001 Annual Report
- APPLE-1020 U.S. Patent No. 7,239,877 (“Corneille”)
- APPLE-1021 GSM 03.48 v8.0.0 (1999-07)
- APPLE-1022 U.S. Patent Application Publication No. 2006/0031407  
 (“Dispensa”)
- APPLE-1023 Sascha Segan, “The Evolution of the Blackberry, From 957 to  
Z10,” PCMag, 28 Jan. 2013, [https://www.pcmag.com/news/the-  
evolution-of-the-blackberry-from-957-to-z10](https://www.pcmag.com/news/the-evolution-of-the-blackberry-from-957-to-z10) (APPLE-1023)
- APPLE-1024 Symbian S600, [https://nokia.fandom.com/wiki/Symbian\\_S60](https://nokia.fandom.com/wiki/Symbian_S60),  
Accessed 16 Nov. 2022 (APPLE-1024)
- APPLE-1025 November 22, 2022 Letter to John L. North

### LISTING OF CHALLENGED CLAIMS

Claim	Identifier	Claim Language
1	[1.1]	A cellular communication device comprising a processor, a memory and a data mode, said data mode allowing reading and writing of data in said memory and changing of settings on said cellular communication device,
	[1.2]	said settings changeable in said data mode comprising personal data, device configuration data and technical data relating to the specific device;
	[1.3]	wherein said cellular communication device further comprises an access restrictor that restricts use of said data mode in response to receipt of a security setting unique to said cellular communication device;
	[1.4]	wherein said device unique security setting is generated remotely and provided to the cellular communication device using a predetermined communication protocol before use of the data mode;
	[1.5]	said data mode permitting a file transfer in an active connection to and from said cellular communication device;
	[1.6]	wherein said device unique security setting is dynamically changed after use of said data mode,
	[1.7]	wherein said predetermined communication protocol is managed by said cellular communication device in association with a client program, and
	[1.8]	said cellular communication device is configured to carry out one member of the group consisting of:  setting said cellular communication device into said data mode when it determines that said device unique security setting is correct; and  monitoring said active connection, and disabling said

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