

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS AMERICA, INC. and  
SAMSUNG ELECTRONICS CO. LTD.,  
Petitioner

and

APPLE INC.,  
Petitioner,

v.

SMARTFLASH LLC,  
Patent Owner.

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Case CBM2014-00194<sup>1</sup>

Patent 8,118,221 B2

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**PATENT OWNER'S NOTICE OF APPEAL**

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<sup>1</sup> CBM2015-00117 (Patent 8,118,221 B2) was consolidated with this proceeding.

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Smartflash LLC hereby appeals to the United States Court of Appeals for the Federal Circuit from the *Final Written Decision* entered on March 29, 2016 (Paper 51), the *Decision Denying Request for Rehearing* entered on June 10, 2016 (Paper 53) and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,118,221 (“the ’221 Patent”) including the *Decision - Institution of Covered Business Method Patent Review* entered on March 30, 2015 (Paper 9).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or other related issues:

- Whether the Board erred in finding that claim 32 of the ’221 Patent is unpatentable under 35 U.S.C. § 101;
- Whether the Board erred in denying Patent Owner’s Motion to Exclude (Paper 34); and
- Whether the Board erred in finding that the subject matter of the ’221 Patent is directed to activities that are financial in nature and in instituting Covered Business Method review of the ’221 Patent.

Copies of this Notice of Appeal are being filed simultaneously with the Director, the Patent Trial and Appeal Board, and the Clerk of the United States Court of Appeals for the Federal Circuit.

Any required fee may be charged to Deposit Account No. 501860.

Dated: August 9, 2016

/ Michael R. Casey /

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that this PATENT OWNER'S NOTICE OF APPEAL was filed with the Patent Trial and Appeal Board using the E2E System and was served, by agreement of the parties, by emailing copies to counsel for the Petitioner as follows:

W. Karl Renner (renner@fr.com)  
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The undersigned hereby further certifies that on August 9, 2016 this PATENT OWNER'S NOTICE OF APPEAL (and its three attached decisions) were filed with the Federal Circuit via CM/ECF (along with one courtesy copy by hand delivery) and two (2) copies were served on the U.S. Patent and Trademark Office via in-hand delivery as follows:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
Madison Building East, 10B20  
600 Dulaney Street  
Alexandria, VA 22314-5793

Dated: August 9, 2016

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Patent 8,118,221 B2

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Before JENNIFER S. BISK, RAMA G. ELLURU,  
JEREMY M. PLENZLER, and MATTHEW R. CLEMENTS,  
*Administrative Patent Judges.*

BISK, *Administrative Patent Judge.*

DECISION  
Denying Patent Owner's Request for Rehearing  
*37 C.F.R. § 42.71*

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<sup>1</sup> CBM2015-00117 (Patent 8,118,221 B2) has been consolidated with this proceeding.

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