

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC. and APPLE INC.,  
Petitioners

v.

CONTENTGUARD HOLDINGS, INC.,  
Patent Owner.

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CBM2015-00040<sup>1</sup>

U.S. Patent No. 7,774,280

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PETITIONER APPLE INC.'S NOTICE OF APPEAL

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<sup>1</sup> This Notice of Appeal is also being filed in CBM2015-00160, which was joined to this proceeding.

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-3, Petitioner Apple Inc. (“Apple”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on June 21, 2016 (Paper No. 34) (“Final Written Decision”) in CBM2015-00040<sup>2</sup> and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the covered business method reviews of U.S. Patent No. 7,774,280 (“’280 patent”). A copy of the Final Written Decision is attached. Petitioner Google Inc. is also filing a notice of appeal in this matter.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Apple states that the issues on appeal include, but are not limited to: the Board’s determination that substitute claim 37 and any dependent claims of the ’280 patent are patentable; the Board’s construction of those claims; the Board’s determination that substitute claim 37 of the ’280 patent is “substantially identical” to original claim 1; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s factual findings conclusions of law or other determinations supporting or related to those issues, as well as all other issues decided adversely to Apple in any orders, decisions, rulings, and opinions.

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<sup>2</sup> An identical copy of the Final Written Decision was filed as Paper 8 in CBM2015-00160.

This Notice of Appeal is being e-filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with payment of the required docketing fees. In addition, copies of this Notice of Appeal are being filed simultaneously with the Patent Trial and Appeal Board.

Dated: August 23, 2016

Respectfully submitted,

/Jeffrey P. Kushan/

Jeffrey P. Kushan

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*Attorney for Petitioner Apple*

**CERTIFICATE OF FILING**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E System and by email to Trials@uspto.gov, a copy of this Petitioner Apple's Notice of Appeal was filed by hand on August 23, 2016 with the Director of the United States Patent and Trademark office, at the following address:

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

Dated: August 23, 2016

Respectfully submitted,

/Jeffrey P. Kushan/  
Jeffrey P. Kushan  
**Attorney for Petitioner Apple**

**CERTIFICATE OF FILING**

I hereby certify that a copy of this Notice of Appeal was filed electronically through the United States Court of Appeals for the Federal Circuit's CM/ECF system on August 23, 2016.

Dated: August 23, 2016

Respectfully submitted,

/Jeffrey P. Kushan/  
Jeffrey P. Kushan  
**Attorney for Petitioner Apple**

**CERTIFICATE OF SERVICE**

I further certify that a true and correct copy of this Notice of Appeal was served, by electronic mail, on August 23, 2016 upon the following:

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Dated: August 23, 2016

Respectfully submitted,

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