

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

PERSONALWEB TECHNOLOGIES, LLC, and
LEVEL 3 COMMUNICATIONS, LLC,
Patent Owners.

Case IPR2013-00596
Patent Number 7,802,310

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on March 25, 2015, the Decision on Patent Owner's Request for Rehearing entered on August 3, 2015, and from all orders, decisions, rulings, and opinions underlying or supporting the Final Written Decision and/or Decision on Patent Owner's Request for Rehearing.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), issues on appeal may include but are not limited to the Board's determinations of unpatentability of claims and any finding or determination supporting or relating to such determinations of unpatentability including but not limited to claim construction issues, the applicable claim construction standard, obviousness issues, Board findings that conflict with the evidence of record and are not supported by substantial evidence, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings and/or opinions.

Patent Owner reserves the right to challenge any finding or determination supporting or relating to the issues listed above and to challenge any other issues decided adversely to Patent Owner by the PTAB in this proceeding.

This document is being filed both electronically with the PTAB and by hand with the Office of the General Counsel. In addition, three copies of this Notice of

Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: Sept. 30, 2015

By: /Joseph A. Rhoa/
Joseph A. Rhoa
Reg. No. 37,515
Updeep (Mickey) S. Gill
Reg. No. 37,334
Attorneys for Patent Owner,
PersonalWeb Technologies, LLC

NIXON & VANDERHYE P.C.
(Customer No.: 23117)
901 North Glebe Road
11th Floor
Arlington, VA 22203
Tel: (703) 816-4000
Fax: (703) 816-4100

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Case IPR2013-00596
Patent 7,802,310 B2

Before KEVIN F. TURNER, JONI Y. CHANG, and
MICHAEL R. ZECHER, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

I. INTRODUCTION

Apple, Inc. (“Apple”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 24, 32, 70, 81, 82, and 86 of U.S. Patent No. 7,802,310 B2 (“the ’310 Patent,” Ex. 1001). Patent Owners, PersonalWeb Technologies LLC and Level 3 Communications, LLC (collectively “PersonalWeb”), filed a Preliminary Response (Paper 8). On March 26, 2014, we instituted an *inter partes* review of claims 24, 32, 70, 81, 82, and 86 on a single ground of unpatentability alleged in the Petition. Paper 9, “Dec.”

After institution of trial, PersonalWeb filed a Patent Owner Response (“PO Resp.,” Paper 15) and Apple filed a Reply thereto (“Reply,” Paper 22). An oral argument was held on November 17, 2014. The transcript of the oral hearing has been entered into the record. Paper 31.

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

Apple has shown by a preponderance of the evidence that all claims for which trial is instituted, claims 24, 32, 70, 81, 82, and 86 of the ’310 Patent, are unpatentable.

A. *Related Matters*

Apple indicates that the ’310 Patent was asserted against it in *PersonalWeb Tech. LLC v. Apple Inc.*, Case No. 6:12-cv-00660-LED, pending in the U.S. District Court for the Eastern District of Texas. Pet. 2.

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