

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., TWITTER, INC., and YELP INC.,

Petitioners,

v.

EVOLUTIONARY INTELLIGENCE LLC,

Patent Owner.

Inter Partes Review No. IPR2014-00086¹
U.S. Patent No. 7,010,536

PETITIONER APPLE INC.'S NOTICE OF APPEAL

¹ *Inter Partes* Review No. IPR2014-00812, filed by Twitter, Inc. and Yelp Inc.,
was joined with 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 April 16, 2015 (Paper No. 42) (“Final Written Decision”), the Board’s Decision on Petitioner’s Request for Rehearing entered on July 24, 2015 (Paper No. 44) (“Decision on Rehearing”), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 7,010,536 (“’536 patent”). Copies of the Final Written Decision and Decision on Rehearing are attached. Petitioners Twitter, Inc. and Yelp Inc. are 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 claims 2-12, 14, and 16 of the ’536 patent have not been shown to be unpatentable; the Board’s construction of those claims; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; and 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.

IPR2014-00086

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: September 18, 2015

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 Patent Review Processing System (PRPS), a copy of this Petitioner's Notice of Appeal was filed by hand on September 18, 2015 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: September 18, 2015

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 September 18, 2015.

Dated: September 18, 2015

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 September 18, 2015 upon the following:

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Dated: September 18, 2015

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