

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE CORPORATION AND ZTE (USA) INC.,
Petitioner,

V.

IPR LICENSING, INC.
Patent Owner.

Case IPR2014-00525
Patent 8,380,244 B2

**PATENT OWNER'S
NOTICE OF APPEAL**

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that patent owner IPR Licensing, Inc. (“IPR Licensing”) appeals to the United States Court of Appeals for the Federal Circuit from the Decision on Remand entered by the Patent Trial and Appeal Board (the “Board”) on March 6, 2018 (Paper 59) (the “Decision on Remand,” a copy of which is attached hereto).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), IPR Licensing further indicates that the issues on appeal may include, without limitation:

- Whether the Board erred in determining that Petitioner ZTE Corporation and ZTE (USA) Inc. (collectively, “Petitioner”), proved by a preponderance of the evidence that claim 8 of U.S. Patent No. 8,380,244 is obvious in light of the prior art, *see* 35 U.S.C. § 103, along with all reasons, findings, opinions, and orders leading thereto or underlying that decision;

- Whether the Board erroneously or impermissibly instituted review;
- Whether *inter partes* review violates the Constitution by extinguishing private property rights through a non-Article III forum without a jury;
and
- Whether the Board otherwise erroneously or impermissibly exercised or exceeded its authority.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Board, and an electronic copy, along the required docketing fee, are being filed with the United States Court of Appeals for the Federal Circuit.

Dated: April 10, 2018

Respectfully submitted,

/Julie M. Holloway/
Julie M. Holloway
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111-6538
Telephone: (415) 391-0600
Facsimile: (415) 395-8095

*Counsel for Patent Holder
IPR Licensing, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End System (PTAB E2E), the foregoing Patent Owner IPR Licensing, Inc.'s Notice of Appeal was delivered by hand on this 10th day of April, 2018, to 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

I further certify that, on this 10th day of April, 2018, an electronic copy of the foregoing Patent Owner IPR Licensing, Inc.'s Notice of Appeal, along with the required docketing fee, was submitted electronically with the United States Court of Appeals for the Federal Circuit.

I further certify that on this 10th day of April, 2018, true and correct copies of the foregoing Patent Owner IPR Licensing, Inc.'s Notice of Appeal were served by electronic mail, upon the following counsel of record for Petitioners, ZTE Corporation and ZTE (USA) Inc.:

Lead Counsel	Backup Counsel
<p>Charles M. McMahon Brinks Gilson & Lione NBC Tower, Suite 3600 455 North Cityfront Plaza Drive Chicago, IL 60611-5599 Telephone: (312) 321-4200 Facsimile: (312) 321-4299 E-mail: cmcmahon@brinksgilson.com</p> <p><i>Counsel for Petitioners ZTE Corp. & ZTE (USA) Inc.</i></p>	<p>Brian A. Jones Brinks Gilson & Lione NBC Tower, Suite 3600 455 North Cityfront Plaza Drive Chicago, IL 60611-5599 Telephone: (312) 321-4200 Facsimile: (312) 321-4299 E-mail: bjones@brinksgilson.com</p>

By:

/Julie M. Holloway/

Julie M. Holloway

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.