

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

E-WATCH, INC.,
Patent Owner

IPR2015-00412
IPR2015-01366¹

U.S. Patent No. 7,365,871 B2

PETITIONER'S NOTICE OF APPEAL

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ IPR2015-01366 has been joined with IPR2015-00412.

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2(a), Petitioner Apple Inc. hereby provides notice that it 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 May 6, 2016 (Paper 50), and from all underlying findings, orders, decisions, rulings, and opinions, including, without limitation, the institution decision entered May 11, 2015 (Paper 12).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner states that the issues for appeal include, but are not limited to: the Board’s determination that claims 1–8 of U.S. Patent No. 7,365,871 B2 have not been shown by a preponderance of the evidence to be unpatentable; the Board’s construction and interpretation of those claims; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s determinations in the institution decision; and the Board’s factual findings, conclusions of law, or other determinations supporting or relating to the above issues.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office. Simultaneous with this submission, a copy of this Notice is being filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice, along with the required docketing fees, is being filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

DATED: May 25, 2016

By: /s/ Brian M. Buroker

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CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's PRPS, the foregoing Notice of Appeal was filed by Express Mail on May 25, 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
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned certifies that a copy of the foregoing Notice of Appeal, along with the required docket fee, was filed on May 25, 2016, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system.

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Notice of Appeal by electronic mail on May 25, 2016, on the counsel of record for:

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