

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

OPENTV, INC.,
Patent Owner.

Case IPR2015-01031
Patent 7,900,229 B2

PATENT OWNER'S NOTICE OF APPEAL

via E2E
Patent Trial and Appeal Board

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

via CM/ECF
United States Court of Appeals for the Federal Circuit

Pursuant to 35 U.S.C. §§ 141 and 142, and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner OpenTV, Inc. hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered September 26, 2016 (Paper 31) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 7,900,229 B2 (“the ‘229 patent”) in *Inter Partes* Review No. IPR2015-01031.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include, but are not limited to, the Board’s determination that claims 14-16, 19, 21, 26, 28, and 30 of the ‘229 patent are unpatentable under 35 U.S.C. § 102(a) as anticipated by Tomioka, including and without limitation, the Board’s violation of the Administrative Procedures Act through its failure to timely inform Patent Owner of the matters of fact and law asserted, give Patent Owner opportunity for the submission of facts and arguments and hearing and decision on notice, and permit Patent Owner to submit rebuttal evidence and to conduct cross-examination as may be required for a full and true disclosure of the facts; the Board’s reliance on evidence, arguments, and/or theories not articulated at all and/or with particularity until after Patent Owner filed its Patent Owner’s Response (Paper 14); and any finding or determination supporting or relating to these issues, as well as all other issues decided adversely to Open TV, Inc., in any order, decision, ruling, or opinion by the Patent Trial and Appeal Board in this *Inter Partes* Review.

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, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice 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 via CM/ECF.

Respectfully submitted,

Dated: November 21, 2016

By: By: /Joshua L. Goldberg/
Joshua L. Goldberg
Reg. No. 59,369

*Counsel for Patent Owner
OpenTV, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2016, a true and correct copy of the foregoing “**PATENT OWNER’S NOTICE OF APPEAL**” was filed by hand 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, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

I also hereby certify that on this 21st day of November, 2016, a true and correct copy of the foregoing “**PATENT OWNER’S NOTICE OF APPEAL**,” and the filing fee, were filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF.

I also hereby certify that a true and correct copy of the foregoing “**PATENT OWNER’S NOTICE OF APPEAL**” was served by electronic mail on this 21st day of November 2016 on counsel of record for the Petitioner as follows:

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Petitioner has agreed to electronic service.

Dated: November 21, 2016

By: /Lauren K. Young/
Lauren K. Young
Legal Assistant

FINNEGAN, HENDERSON, FARABOW,
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