UNITED STATES PATENT AND TRADEMARK OFFICE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

V.

COMARCO WIRELESS TECHNOLOGIES, INC., Patent Owner.

Case No. IPR2015-01879 U.S. Patent No. 8,492,933

NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT OF PATENT OWNER COMARCO WIRELESS TECHNOLOGIES, INC.



Case No. IPR2015-01879 U. S. Patent No. 8,492,933

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. §§ 141(c) and 142, Patent Owner Comarco Wireless Technologies, Inc., hereby 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 in Case No. IPR2015-01879 on February 22, 2017 (Paper No. 28), that claims 1 and 2 of U.S. Patent No. 8,492,933 ("'933 patent") are unpatentable. A copy of the Final Written Decision is attached.

For the limited purpose of providing the Director with the information requested by 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal may include, but are not limited to, the Board's determination that claims 1 and 2 of the '933 patent are invalid as obvious under 35 U.S.C. § 103, the Board's failure to consider properly evidence of record and its findings that conflict with the evidence of record and are not supported by substantial evidence, legal errors in the Board's obviousness analysis, and any other issue decided adversely to Patent Owner.

This Notice of Appeal is being filed electronically with the Board and by Express Mail with the Office of the General Counsel. In addition, this Notice of Appeal is being filed, together with the required filing fee, with the United States Court of Appeals for the Federal Circuit.



Respectfully submitted,

Dated: April 18, 2017

By: /s/Harris A. Wolin/ Harris A. Wolin, Reg. No. 39,432

> GRAHAM CURTIN, P.A. 4 Headquarters Plaza Morristown, New Jersey 07962-1991 Tel: 973-292-1700 hwolin@grahamcurtin.com

Attorneys for Patent Owner, Comarco Wireless Technologies, Inc.



Case No. IPR2015-01879 U. S. Patent No. 8,492,933

CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through PRPS system of the Patent Trial and Appeal Board, on this I caused the attached Notice of Appeal to be filed by Express Mail with the Director of the United States Patent and Trademark Office at the following address:

Director, United States Patent and Trademark Office c/o Office of the General Counsel P.O. Box 1450 Alexandria, Virginia 22313-1450

CERTIFICATE OF FILING

I hereby certify that on this day I caused the attached Notice of Appeal to be filed electronically by CM/ECF with the Clerk of the United States Court of Appeals for the Federal Circuit, 717 Madison Place, N.W., Suite 401, Washington, D.C. 20439.



Case No. IPR2015-01879 U. S. Patent No. 8,492,933

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. 42.6, that on this day I caused the attached Notice of Appeal to be served by Express Mail or an equivalent service and by electronic mail upon the following attorneys for Apple Inc.:

Cameron W. Westin
Brett J. Williamson
O'Melveny & Myers
610 Newport Center Drive
Newport Beach, California 92660

<u>cwestin@omm.com</u>
bwilliamson@omm.com

Dated: April 18, 2017 Morristown, N.J. Charles Quinn



DOCKET

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.

