

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Samsung Electronics Co. Ltd., Samsung Electronics America, Inc.,

and

Apple Inc.,

Petitioners,

v.

Rosetta-Wireless Corporation,

Patent Owner

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Case IPR2016-00616

Patent 7,149,511 B1

**PATENT OWNER'S NOTICE OF APPEAL**

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Rosetta-Wireless Corporation (“Rosetta” or “Patent Owner”), hereby appeals under 35 U.S.C. §§ 141, 142 and 319 to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on August 21, 2017 (Paper No. 12) (the “Final Written Decision”); the Order Denying Patent Owner’s Motion for Authorization to File a Motion to Amend entered on October 20, 2017 (IPR2016-00622 Paper No. 50) (the “Amendment Decision”); the Decision Denying Patent Owner’s Request for Rehearing entered on October 20, 2017 (IPR2016-00622 Paper No. 51) (“Rehearing Decision”); and all underlying orders, decisions, rulings, and opinions. Copies of the Final Written Decision, Amendment Decision and Rehearing Decision are attached<sup>1</sup>.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Rosetta further indicates that the issues on appeal include, but are not limited to:

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<sup>1</sup> IPR2016-00616 was consolidated with IPR2016-00622, in which a Notice of Appeal is being filed concurrently.

1. Whether the Board erred in finding that claims 1-10, 19-22, 58-65 and 68-71 of U.S. Patent 7,149,511 B1 are unpatentable, and any findings or determinations supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.
2. The Board's claim construction.
3. The Board's decision denying Patent Owner's request for leave to file a motion to amend in IPR2016-00622.
4. The validity of the Board's Final Written Decision under 35 U.S.C. § 318(a), including whether the Board could render a final decision with regard to fewer than all of the claims challenged by the petition in IPR2016-00616.
5. The constitutionality of the Board's decision, including whether *inter partes* review violates Article III and the Seventh Amendment of the Constitution.

Simultaneous with this submission, a copy of this Notice of Appeal is being served upon counsel of record for Petitioners and filed with the Patent Trial and Appeal Board and the Director of the United States Patent and Trademark Office in accordance with 37 C.F.R. 90.2(a). In addition, a copy of this Notice of Appeal,

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.

Dated: December 18, 2017

Respectfully submitted,

By: /s/ Miranda Y. Jones  
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Rosetta-Wireless Corp

## CERTIFICATE OF FILING AND SERVICE

I hereby certify that in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS), the foregoing Patent Owner's Notice of Appeal is being filed pursuant to 37 CFR §§ 90.2 and 104 by United States Postal Service on this 18th day of December, 2017 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  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

I further certify that on this 18th day of December, 2017, an electronic copy of the foregoing Patent Owner's Notice of Appeal, along with the required docketing fee, was submitted electronically with the United States Court of Appeals for the Federal Circuit via CMF/ECF.

I further certify that pursuant to 37 CFR § 42.6(e), a true and correct copy of Patent Owner's Notice of Appeal was served by electronic mail to the attorneys of record for the Petitioners on this 18th day of December, 2017:

Brian E. Ferguson  
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