

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,
v.

PERSONALIZED MEDIA COMMUNICATIONS LLC,
Patent Owner

IPR2016-00754
Patent No. 8,559,635 B1

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141-144 and 319, and 37 C.F.R. §§ 90.2 and 90.3, notice is hereby given that Patent Owner Personalized Media Communications LLC appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered September 8, 2022 (Paper 57) in IPR2016-00754 (Exhibit A), and all prior and interlocutory rulings related thereto or subsumed therein, to the extent they are adverse to Patent Owner. Patent Owner is also filing today a notice of appeal in IPR2016-01520, which the Board resolved in the same Final Written Decision and which addresses claims from the same patent.

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

(1) whether the Board erred in holding that claims 7, 21, and 29 are anticipated by U.S. Patent No. 4,337,483 (“Guillou”), including, but not limited to, (a) whether the Board erred in construing the word “processor” in independent claim 21 to encompass any “device that operates on data,” as opposed to a device that performs operations according to instructions; and (b) whether, in construing the word “processor,” the Board failed to adequately account for the applicant’s statements made during prosecution;

(2) whether the Board erred in holding that claims 4, 13, 28, and 30 are obvious based on Guillou, including, but not limited to, (a) whether the Board

erred in construing “video” in claim 4 to include teletext; (b) whether the Board erred in construing “executable instructions” in claim 13 to encompass data processed by a device as opposed to instructions that control the operation of a device; (c) whether the Board erred in construing “changing a decryption technique” in claim 13 to encompass changing a decryption key; and (d) whether, in construing the terms identified in (a)-(c) above, the Board failed to adequately account for the applicant’s statements made during prosecution;

(3) whether the Board erred in holding that claim 4 is obvious based on U.S. Patent No. 4,388,643 (“Aminetzah”) and U.S. Patent No. 3,743,767 (“Bitzer”), including, but not limited to, (a) whether the Board erred in construing “video” in claim 4 to include teletext; and (b) whether, in construing “video” in claim 4 to include teletext, the Board failed to adequately account for the applicant’s statements made during prosecution;

(4) whether, in arriving at its decision, the Board acted in a manner that was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or based on factual findings unsupported by substantial evidence; and

(5) whether the Board erred in any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.3, this Notice of Appeal is timely, having been filed within 63 days after the date of the Final Written Decision.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), a copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board, the Clerk's Office for the United States Court of Appeals for the Federal Circuit, and the Director of the Patent and Trademark Office.

Dated: November 10, 2022

Respectfully submitted,

/Douglas J. Kline/

Douglas J. Kline (Reg. No. 35,574)

GOODWIN PROCTER LLP

100 Northern Avenue

Boston, MA 02210-1980

Tel.: (617) 570-1000

Fax: (617) 523-1231

dkline@goodwinlaw.com

Counsel for Patent Owner

CERTIFICATE OF FILING AND SERVICE

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's P-TACTS system, a true and correct original version of the foregoing PATENT OWNER'S NOTICE OF APPEAL is being filed by hand delivery on November 10, 2022, 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
Madison Building East
600 Dulany Street
Alexandria, VA 22313

Pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), and Rule 52(a), (e), I hereby certify that a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL is being filed in the United States Court of Appeals for the Federal Circuit on this day, November 10, 2022, and that the filing fee is being paid electronically using pay.gov.

I further certify that the foregoing PATENT OWNER'S NOTICE OF APPEAL was served electronically via e-mail, as agreed to by counsel, on November 10, 2022, on the following counsel for Petitioner:

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.