

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC,

Patent Owner.

Case IPR2016-00755

Patent 8,191,091

Before KARL D. EASTHOM, KEVIN F. TURNER, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges.*

PATENT OWNER'S NOTICE OF APPEAL

NOTICE OF APPEAL TO THE FEDERAL CIRCUIT

Notice is hereby given, pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2, that Patent Owner Personalized Media Communications, LLC hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (FWD) entered on September 19, 2017, (Paper 42), the Decision on the Request for Rehearing (RfR) entered on March 6, 2018, (Paper 44), and from all underlying orders, decisions, rulings and opinions, regarding claims 13, 14-16, 18, 20-21, 23-24, 26-27, and 30 (“Challenged Claims”) of U.S. Pat. No. 8,191,091 (“the ’091 Patent”).

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

- (1) Whether the Board erred as a matter of law in construing “decrypt” and “decrypting.”
- (2) Whether the Board erred as a matter of law in construing “encrypted digital information transmission.”
- (3) Whether the Board erred as a matter of law in construing the phrase “locating said first decryption key.”
- (4) Whether the Board erred in determining that the Challenged Claims are not entitled to priority to U.S. Pat. No. 4,694,490.
- (5) Whether the Board incorrectly held that claims 13-15, 18, 20, and 23-

24 were anticipated by U.S. Pat. No. 4,613,901 to Gilhousen, *et al.*

(6) Whether the Board incorrectly held that claims 13-15, 18, 20, and 23-24 were anticipated by U.S. Pat. No. 4,736,422 to Mason.

(7) Whether the Board incorrectly held that claims 26 and 30 were anticipated by U.S. Pat. No. 4,712,239 to Frezza, *et al.*

(8) Whether the Board incorrectly held that claims 16, 21 and 27 were obvious based on any one of Gilhousen, Mason, or Frezza, in view of U.S. Pat. No. 4,484,217 to Block, *et al.*

(9) Whether the Board erred in refusing to grant Patent Owner's contingent motion to amend (Paper 21).

(10) 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.

Concurrently with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board, and a copy is being filed electronically with the United States Court of Appeals for the Federal Circuit along with the requisite filing fee. No fees are believed to be due to the United States Patent and Trademark Office in connection with this filing, but authorization is hereby given for any required fees to be charged to Deposit Account No. 50-6989.

Dated: May 7, 2018

Respectfully submitted,

By: /Stephen T. Schreiner/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was served on May 7, 2018, via email, to attorneys for Petitioners:

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The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End (PTAB E2E) system on May 7, 2018, a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was served May 7, 2018, on 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, 10B20
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