

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., HTC CORPORATION, and HTC AMERICA, INC.
Petitioners,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner

Case IPR2016-00923¹
U.S. Patent 5,812,789

PATENT OWNER'S NOTICE OF APPEAL
35 U.S. § 142 & 37 C.F.R. § 90.2

¹ Case IPR2016-00847 has been joined with this proceeding.

Pursuant to 37 C.F. R. § 90.2(a), Patent Owner, PARTHENON UNIFIED MEMORY ARCHITECTURE LLC, hereby provides notice of its appeal to the United States Court of Appeals for the Federal Circuit for review of the Final Written Decision of the United States Patent and Trademark Office (“USPTO”) Patent Trial and Appeals Board (“PTAB”) in Inter Partes Review 2016-00923, concerning U.S. Patent 5,812,789 (“the ’789 patent”), entered on August 4, 2017, attached hereto as Appendix A.

ISSUES TO BE ADDRESSED ON APPEAL

- A. Whether the PTAB erred in finding that claims 1, 3, 5, 11, and 13 of the ’789 patent are unpatentable as anticipated by Lambrecht under §102(e)?
- B. Whether the PTAB erred in picking, choosing, and combining various disclosures of Lambrecht that are not directly related to each other to support its anticipation finding?
- C. Whether the PTAB erred in concluding that claims 4 and 6 of the ’789 patent would have been obvious under 35 U.S.C. § 103(a)?
- D. Whether the PTAB in its final written decision improperly relied upon arguments that were raised for the first time at the oral argument and/or in the Petitioner’s reply?

Simultaneous with submission of this Notice of Appeal to the Director of the United States Patent and Trademark Office, this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal, along with the required docketing fees, is being filed with the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: September 28, 2017

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CERTIFICATE OF SERVICE

The undersigned certifies that in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System the foregoing PATENT OWNER'S NOTICE OF APPEAL was served on the Director of the United States Patent and Trademark Office, at the following address (in accordance with 37 C.F.R. §§ 90.2(a), 104.2):

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, Virginia 22313-1450

CERTIFICATE OF FILING

The undersigned certifies that on September 28, 2017, a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit at the following address:

Clerk of Court

United States Court of Appeals for the Federal Circuit

717 Madison Place NW

Washington, DC 20005

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was served on September 28, 2017, by filing this document through the PTAB's E2E system as well as by delivering a copy via electronic mail to the attorneys of record for the Petitioners as follows:

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