

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

VOIP-PAL.COM, INC.

Patent Owner

Case No. IPR2016-01198

Patent 9,179,005 B2

AMENDED NOTICE OF APPEAL

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2(a), Petitioner Apple Inc. hereby amends its Notice of Appeal (Paper 64) to state that it appeals to the United States Court of Appeals for the Federal Circuit from the Decision Denying Petitioner's Request for Rehearing of Inter Partes Review No. IPR2016-01198 and IPR2016-1201, entered May 24, 2019 (Paper 75), the Board's December 21, 2018 Ruling on Petitioner's Motion for Sanctions (Paper 70), the Board's November 20, 2017 Final Written Decision (Paper 53), and from all underlying findings, orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner states that the issues for appeal include, but are not limited to: the Board's determination that certain claims of U.S. Patent Nos. 9,179,005 (the '005 Patent) and 8,542,815 (the '815 Patent) are not unpatentable as obvious; the Board's December 21, 2018, Ruling on Petitioner's Motion for Sanctions (Paper 70); whether Apple was provided due process in these proceedings; the Board's procedural irregularities following Patent Owner's frequent *ex parte* communication with the Board, including, but not limited to, a change in the composition of the Board panel; and the Board's factual findings, conclusions of law, or other determinations supporting or relating to the above issues.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office. Petitioner

previously filed a Notice of Appeal with the United States Court of Appeals for the Federal Circuit while its Motion for Sanctions was pending. That appeal (Appeal Nos. 2018-1456, -1457) was stayed pending a ruling on the Motion for Sanctions and a ruling on the Request for Rehearing. Petitioner also is requesting a lifting of the stay of the existing appeal and will submit a copy of this Notice in the pending appeal at the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

DATED: May 30, 2019

/s/ Adam P. Seitz

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ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End system (PTAB E2E), the foregoing Notice of Appeal will be filed with the existing appeal (Appeal Nos. 2018-1456 and -1457) as noted above.

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Notice of Appeal by electronic mail on May 30, 2010, on the counsel of record for Patent Owner:

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