

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

VOIP-PAL.COM, INC.,
Patent Owner.

IPR2016-01201
U.S. Patent No. 8,542,815

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 provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of Inter Partes Review No. IPR2016-01201 entered November 20, 2017 (Paper 53) and from all underlying findings, orders, decisions, rulings, and opinions.

Petitioner notes that the Board's ruling in Paper 54 stayed the deadline for filing a request for rehearing of the final written decision pending a decision on Petitioner's Motion for Sanctions. Out of an abundance of caution and in order to ensure that Petitioner's right to appeal the Final Written Decision is preserved, Petitioner hereby files this Notice of Appeal.

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 No. 8,542,815 (the '815 Patent) are not unpatentable as obvious; 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. Simultaneous with this submission, a copy of this Notice is being filed with the

Patent Trial and Appeal Board. In addition, a copy of this Notice, 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.

Respectfully submitted,

DATED: January 22, 2018

/s/ Adam P. Seitz

Adam P. Seitz, Reg. No. 52,206
Eric A. Buresh, Reg. No. 50,394
ERISE IP, P.A.
7015 College Blvd., Suite 700
Overland Park, KS 66211
(913) 777-5600 Phone
(913) 777-5601 Fax
eric.buresh@eriseip.com
adam.seitz@eriseip.com

Paul R. Hart, Reg. No. 59,646
ERISE IP, P.A.
5600 Greenwood Plaza Blvd., Suite 200
Greenwood Village, CO 80111
(913) 777-5600 Phone
(913) 777-5601 Fax
paul.hart@eriseip.com

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 was filed by Express Mail on January 22, 2018, 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
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned certifies that a copy of the foregoing Notice of Appeal, along with the required docket fee, was filed on January 22, 2018, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system.

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 January 22, 2018, on the counsel of record for Patent Owner:

Kerry Taylor, Reg. No. 43,947
2kst@knobbe.com
John M. Carson, Reg. No. 34,303
2jmc@knobbe.com
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
858-707-4000 Phone
858-707-4001 Fax

Stephen Melvin
melvin@zytek.com
Zytek Communications Corporation
114 W. Magnolia St., Suite 400-113
Bellingham, WA 98225
360-543-5611

Kevin M. Malek
Malek Moss Legal Group
340 Madison Ave., 19th Floor
New York, NY 10173
212-812-1491 Phone
kevin.malek@malekmoss.com

DATED: January 22, 2018

By: Adam P. Seitz

Adam P. Seitz, Reg. No. 52,206

ATTORNEY FOR PETITIONER