

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. and
LG ELECTRONICS, INC.,
Petitioners,

v.

FASTVDO LLC,
Patent Owner.

Case IPR2016-01203¹
Patent 5,850,482

**PATENT OWNER FASTVDO LLC'S
NOTICE OF APPEAL**

¹ LG Electronics, Inc. filed a petition in (now terminated) IPR2017-00683 and has been joined to the instant proceeding.

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-90.3, Patent Owner FastVDO LLC appeals to the United States Court of Appeals for the Federal Circuit from the *Final Written Decision* of the Patent Trial and Appeal Board entered on December 11, 2017 in IPR2016-01203 (Paper 39), and from all underlying findings, determinations, orders, decisions, rulings and opinions regarding the *inter partes* review of U.S. Patent No. 5,850,482 (“the ’482 Patent”), including the DECISION Instituting *Inter Partes* Review entered on December 16, 2016 (Paper 14).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to, the following, as well as any underlying findings, determinations, orders, decisions, rulings, opinions, or other related issues:

- Whether the Patent Trial and Appeal Board’s decision finding that claims 1-3, 5, 7-10, 12-14, 16, 22-25, 28, and 29 of the ’482 patent are unpatentable was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; ... in excess of statutory jurisdiction, authority or limitations, or ... without observance of procedure required by law; [or] unsupported by substantial evidence” 5 U.S.C. § 706(2)(A)-(E); and

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- Whether *inter partes* review, an adversarial process used by the Patent and Trademark Office (PTO) to analyze the validity of existing patents, violates the Constitution by extinguishing property rights through a non-Article III forum without a jury and without affording due process to patent owners.

Simultaneous with the electronic submission of this Notice of Appeal to the Patent Trial and Appeal Board, a copy of this Notice of Appeal is being filed with the United States Patent and Trademark Office by way of hand delivery to the Office of General Counsel to:

Office of the General Counsel
United States Patent and Trademark Office
Madison East
10B20 600 Dulany Street
Alexandria, Virginia 22314

In addition, consistent with Federal Circuit Rules 15(a)(1) and 25(b)(1), this Notice of Appeal, along with the required docketing fees and copies of the decisions of the agency for which review is sought, are being filed electronically with the United States Court of Appeals for the Federal Circuit, and one paper copy of the Notice of Appeal is being provided to the Clerk's Office:

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Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Room 401
Washington, DC 20439

Any required fees to the United States Patent and Trademark Office may be charged to Deposit Account No. 50-1860.

Dated: February 9, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2018, a true and correct copy of the foregoing *Patent Owner's Notice of Appeal* was served via email, by consent, to Petitioners by serving the correspondence email addresses of record as follows:

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