

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.  
Petitioner

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC  
Patent Owner

---

Case No.: IPR2016-01520  
Patent No.: 8,559,635

---

**PETITIONER'S NOTICE OF APPEAL**

---

Petitioner's Notice of Appeal: IPR2016-01520

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Petitioner Apple Inc. hereby provides notice that it appeals the Final Written Decision of the Patent Trial and Appeal Board ("Board") entered September 8, 2022 (Paper 53) (attached as Appendix A).

The issue for appeal is whether the Board erred in finding that Petitioner did not show by a preponderance of the evidence that claim 3 of U.S. Patent No. 8,559,635 is obvious over U.S. Patent No 4,536,791 ("Campbell"), and the claim construction and other Board rulings underlying that finding.

Pursuant to 37 C.F.R. § 90.2(a), 37 C.F.R. § 104.2, 37 C.F.R. § 42.6(b)(1), and Federal Circuit Rule 15(a)(1), Petitioner is simultaneously electronically filing this Notice of Appeal with the Patent Trial and Appeal Board and the Federal Circuit (along with the requisite fee), and filing with the Director of the U.S. Patent and Trademark Office via priority mail.

Date: November 10, 2022

Respectfully submitted,

*/s/ Marcus E. Sernel*

---

Marcus E. Sernel (Reg. No. 55,606)  
KIRKLAND & ELLIS LLP  
300 North LaSalle Street  
Chicago, Illinois 60654  
P: 312.862.2000; F: 312.862.2200  
marc.sernel@kirkland.com

*Attorney For Petitioner*

**CERTIFICATE OF FILING**

The undersigned certifies that this Notice of Appeal was: (1) electronically filed via PTAB E2E on November 10, 2022 with the Patent Trial and Appeal Board; and (2) filed via priority mail on November 10, 2022 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  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FILING**

The undersigned certifies that this Notice of Appeal was electronically filed via CM/ECF on November 10, 2022 with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on November 10, 2022, this Notice of Appeal was served on Lead and Backup Counsel for Patent Owner via email (by consent) to:

Douglas Kline (Reg. No. 35,574), dkline@goodwinlaw.com

Thomas J. Scott Jr., tscott@pmcip.com

Date: November 10, 2022

/s/ Marcus E. Sernel  
Marcus E. Sernel

# APPENDIX A

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS LLC,  
Patent Owner.

---

IPR2016-00754  
IPR2016-01520  
Patent 8,559,635 B1

---

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

TURNER, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision on Remand  
Determining Some Challenged Claims Unpatentable  
*35 U.S.C. §§ 144, 318*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.