

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
Petitioner

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC  
Patent Owner

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

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**PETITIONER'S NOTICE OF APPEAL**

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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*

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Petitioner's Notice of Appeal: IPR2016-01520

**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](mailto:dkline@goodwinlaw.com)

Thomas J. Scott Jr., [tscott@pmcip.com](mailto:tscott@pmcip.com)

Date: November 10, 2022

/s/ Marcus E. Sernel  
Marcus E. Sernel

# APPENDIX A

UNITED STATES PATENT AND TRADEMARK OFFICE  
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BEFORE THE PATENT TRIAL AND APPEAL BOARD  
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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*

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