

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner

IPR2016-01839
U.S. Patent No. 6,470,399

PATENT OWNER'S 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), Patent Owner Papst Licensing GmbH & Co. KG (“Patent Owner”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered March 19, 2018 (Paper 43), and from all underlying findings, orders, decisions, rulings, and opinions, including, without limitation the institution decision entered March 27, 2017 (Paper 15).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues for appeal include, but are not limited to: the Board’s determination that claims 1, 3, 5, 11, and 14 of U.S. Patent No. 6,470,399 have been shown by a preponderance of the evidence to be unpatentable; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s determinations in the institution decision; 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 fee, is being filed with the Clerk’s office of the United States Court of Appeals for the Federal Circuit.

DATED: May 17, 2018

Respectfully submitted,

/s/ Gregory S. Donahue

Gregory S. Donahue

Reg. No. 47,531

DiNovo Price LLP

7000 N. MoPac Expressway

Suite 350

Austin, Texas 78731

Telephone: (512) 539-2625

Facsimile: (512) 539-2627

Lead Counsel for Patent Owner

Papst Licensing GmbH & Co. KG

CERTIFICATE OF FILING AND SERVICE

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E, the foregoing Notice of Appeal was filed by Express Mail on May 17, 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 May 17, 2018, with the Clerk's Office for 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 May 17, 2018, on the counsel of record for Petitioner, Apple, Inc. at the following addresses:

Michael D. Specht, mspecht-PTAB@sternekessler.com

Tyler J. Dutton, tdutton-PTAB@sternekessler.com

DATED: May 17, 2018

/s/ Gregory S. Donahue
Gregory S. Donahue
Reg. No. 47,531
DiNovo Price LLP
7000 N. MoPac Expressway

Suite 350
Austin, Texas 78731
Telephone: (512) 539-2625
Facsimile: (512) 539-2627