

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner

Case IPR2016-01842
Patent 9,189,437

PETITIONER APPLE INC.'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Hand Carry
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

Apple Inc.'s appeal stems from the Patent Trial and Appeal Board's Final Written Decision entered on April 25, 2018 (Paper 35) (the "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 9,189,437. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(b)(1).

APPLE INC.'S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Petitioner Apple Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision based on the "Decision, Granting Institution of *Inter Partes* Review" entered on April 27, 2017 (Paper 10) (the "Institution Decision").

APPLE INC.'S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Apple Inc.'s issues on appeal include at least: (i) the Board's finding that claims 1, 4-6, 9-12, 14, 15, 30, and 34 of the '437 patent are not unpatentable as obvious over the combination of Pucci, Kepley, and Schmidt; (ii) the Board's finding that claims 13 and 18 of the '437 patent are not unpatentable as obvious over the combination of Pucci, Kepley, Schmidt, and Campbell; (iii) the Board's finding that claim 16 of the '437 patent is

not unpatentable as obvious over the combination of Pucci, Kepley, Schmidt, and Shinosky; (iv) the Board's finding that claim 32 of the '437 patent is not unpatentable as obvious over the combination of Pucci, Kepley, Schmidt, and Wilson; and (v) any finding or determination supporting or related to the aforementioned issues as well as all other issues decided adversely to Apple Inc. in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Apple Inc. is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Michael D. Specht/

Michael D. Specht, Reg. No. 54,463
Attorney for Apple Inc.

Date: June 27, 2018

1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PETITIONER APPLE INC.'S NOTICE OF APPEAL** is being filed by hand with the Director on June 27, 2018 at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PETITIONER APPLE INC.'S NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on June 27, 2018.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Michael D. Specht/

Michael D. Specht, Reg. No. 54,463
Attorney for Apple Inc.

Date: June 27, 2018

1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER APPLE INC.'S NOTICE OF APPEAL** was served electronically via e-mail on June 27, 2018, in its entirety on the following counsel for Patent Owner:

Gregory S. Donahue (Lead Counsel)
Minghui Yang (Back-up Counsel)
Michael R. Fleming (Back-up Counsel)
Anthony L. Meola (Back-up Counsel)
Jason A. Murphy (Back-up Counsel)
Victor J. Baranowski (Back-up Counsel)
Arlen L. Olsen (Back-up Counsel)
gdonahue@dpelaw.com
myang@dpelaw.com
docketing@dpelaw.com
mflaming@irell.com
ameola@iplawusa.com
jmurphy@iplawusa.com
vbaranowski@iplawusa.com
aolsen@iplawusa.com

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Michael D. Specht/

Michael D. Specht, Reg. No. 54,463
Attorney for Apple Inc.

Date: June 27, 2018

1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

9452183_1.docx