

IN THE 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.

California Institute of Technology,  
Patent Owner

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IPR2017-00219  
Patent No. 7,116,710

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**PETITIONER'S NOTICE OF APPEAL**

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
P.O. Box 1450  
Alexandria, VA 22314-5793

Pursuant to 35 U.S.C. §§ 141-44 and 319, and 37 C.F.R. § 90.2-90.3, notice is hereby given that Petitioner Apple Inc. appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered December 27, 2018 (Paper 76) in IPR2017-00219 (Exhibit A), and all prior and interlocutory rulings related thereto or subsumed therein.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal include, but are not limited to, whether the Patent Trial and Appeal Board erred in determining that Petitioner had not established by a preponderance of the evidence that claims 1–8 and 11–14 of the '710 patent would have been obvious over the combination of Divsalar and Luby; and that claims 15–17, 19–22, and 24–33 of the '710 patent would have been obvious over the combination of Divsalar, Luby, and Luby97; and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Petitioner in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.3, this Notice of Appeal is timely, having been duly filed within 63 days after the date of the Final Written Decision.

A copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board, the Clerk's Office for the United States Court of Appeals for the Federal Circuit, and the Director of the Patent and Trademark Office.

Respectfully submitted,

Date: February 22, 2019

/Michael Smith/

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Michael H. Smith  
Registration No. 71,190  
Counsel for Petitioner

### **CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End (PTAB E2E), a true and correct original version of the foregoing Petitioner's Notice of Appeal is being filed by Express Mail (Express Mail Label EF 183495769 US) on this 22nd day of February 2019, 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

Pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), and Rule 52(a),(e), I hereby certify that a true and correct copy of the foregoing Petitioner's Notice of Appeal is being filed in the United States Court of Appeals for the Federal Circuit using the Court's CM/ECF filing system on this 22nd day of February 2019, and the filing fee is being paid electronically using pay.gov.

I hereby certify that on February 22, 2019 I caused a true and correct copy of the Petitioner's Notice of Appeal to be served via e-mail on the following attorneys of record:

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/Michael Smith/

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Michael H. Smith  
Registration No. 71,190

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