

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., FACEBOOK, INC., and WHATSAPP, INC.,  
Petitioner

v.

UNILOC 2017 LLC<sup>1</sup>,  
Patent Owner

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Case IPR2017-00222<sup>2</sup>  
Patent 8,243,723

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**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

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<sup>1</sup> Uniloc Luxembourg S.A. filed Updated Mandatory Notices on September 13, 2018 (Paper 34), changing the real party-in-interest to Uniloc 2017 LLC.

## INTRODUCTION

Apple Inc.'s appeal stems from the Patent Trial and Appeal Board's Decision on Petitioner's Request for Rehearing entered on September 6, 2018 (Paper 32) (the "Rehearing Decision") and the Board's Final Written Decision entered on May 23, 2018 (Paper 29) (the "FWD") in the above-captioned *inter partes* review of United States Patent No. 8,243,723. This notice is timely filed within 63 days of the Rehearing 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 FWD and Rehearing Decision, including all underlying orders, decisions, rulings, and opinions related thereto or subsumed therein.

## 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 3-7 would not have been obvious over the combination of Vuori and Malik; (ii) the Board's finding that claims 1-7 would not have been obvious over the combination of Stubbs and Abburi; (iii) the Board's finding that claim 8 would not have been obvious over the

combination of Vuori, Malik, and Lerner; (iv) the Board's finding that claim 8 would not have been obvious over the combination of Stubbs, Abburi and Lerner; and (v) any findings or determinations supporting or related to the aforementioned issues as well as all other issues decided adversely to Apple Inc. or joinder petitioner in any orders, decisions, rulings, phone conference decisions, and/or opinions.

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.

/Jason D. Eisenberg/

Jason D. Eisenberg  
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Attorney for Petitioner Apple Inc.

Date: November 1, 2018  
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(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 November 1, 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 November 1, 2018.

Respectfully submitted,

/Jason D. Eisenberg/

Date: November 1, 2018

Jason D. Eisenberg  
Registration No. 43,447  
Attorney for Petitioner Apple Inc.

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing **PETITIONER APPLE INC.'S NOTICE OF APPEAL** was served electronically via e-mail on November 1, 2018 in its entirety upon the following parties:

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