

Filed on behalf of:  
Patent Owner  
By: William D. Belanger (Lead Counsel)  
[William.Belanger@Troutman.com](mailto:William.Belanger@Troutman.com)  
Frank D. Liu (Back-up Counsel)  
[Frank.Liu@Troutman.com](mailto:Frank.Liu@Troutman.com)  
Andrew P. Zappia (Back-up Counsel)  
[Andrew.Zappia@Troutman.com](mailto:Andrew.Zappia@Troutman.com)

Paper No. \_\_\_\_\_  
Date: January 12, 2023

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.

ANDREA ELECTRONICS CORPORATION,  
Patent Owner.

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Case IPR2017-00626  
Patent 6,363,345 B1

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**PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN  
DECISION ON REMAND**

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. §§ 319 and 141-142, Patent Owner Andrea Electronics Corporation ("Patent Owner"), respectfully gives Notice that it hereby appeals the Patent Trial and Appeal Board's ("Board") JUDGMENT Final Written Decision On Remand Determining Challenged Claims 6-9 Are Unpatentable 35 U.S.C. §§ 144, 318(a), dated November 29, 2022 (Paper 58) (the "Final Written Decision on Remand"), that claims 6-9 ("Challenged Claims") of U.S. Patent No. 6,363,345 ("the '345 Patent") are unpatentable to the United States Court of Appeals for the Federal Circuit ("Federal Circuit"), and from all other underlying orders, decisions, rulings and opinions that are adverse to Patent Owner. This Notice of Appeal is timely filed under 35 U.S.C. § 142, Fed. Cir. R. 15(a)(1), and 37 C.F.R. § 90.3.

For the limited purpose of providing the Director of the United States Patent and Trademark Office ("Director") with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), issues in Patent Owner's appeal may include: the Board's interpretation of the Challenged Claims; the Board's interpretation of the prior art; the Board's determination that claims 6-9 of the '345 Patent are unpatentable under 35 U.S.C. § 103 based on its motivation to combine analysis; any findings supporting that determination; the Board's failure to consider evidence of record properly; the Board's legal errors in undertaking its 35 U.S.C. § 103 analysis based on its motivation to combine findings; the Board's findings that conflict with the

evidence of record or are not supported by substantial evidence; as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. §§ 90.2(a) and 104.2, Federal Circuit Rules 15(a) and 52, and 37 C.F.R. § 42.6(e), this Notice of Appeal is being (1) filed electronically with the Board's PTAB E2E system; (2) delivered by hand to the Director; (3) filed electronically with the Federal Circuit via the Court's CM/ECF system together with the requisite fee; and (4) served via electronic mail on counsel of record for Petitioner.

Respectfully submitted,

Date: January 12, 2023

/William D. Belanger/  
William D. Belanger (Lead Counsel)  
Registration No. 40,509

Troutman Pepper Hamilton Sanders LLP  
125 High Street, 19<sup>th</sup> Floor  
Boston, MA 02110  
Tel: (617) 204-5101  
Fax: (617) 204-5150  
E-mail: [William.Belanger@Troutman.com](mailto:William.Belanger@Troutman.com)

*Counsel for Patent Owner*  
*Andrea Electronics Corporation*

## CERTIFICATE OF FILING

In accordance with 37 C.F.R. § 90.2(a)(1) and § 104.2, the undersigned hereby certifies that on January 12, 2023, in addition to being filed electronically through the Board's PTAB E2E system, the original version of the foregoing

### **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN**

**DECISION ON REMAND** was filed by hand on 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  
10B20, Madison Building East, 600 Dulany Street  
Alexandria, VA 22314-5793

In accordance with 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a), the undersigned hereby certifies that on January 12, 2023, a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION ON REMAND (with attached Final Written Decision)** was filed electronically with the Clerk of the United States Court of Appeals for the Federal Circuit with the requisite fee, via the Court's CM/ECF system.

/William D. Belanger/  
William D. Belanger (Lead Counsel)  
Registration No. 40,509

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that on this 12th day of January, 2023, I caused to be served a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION ON REMAND** by e-mail (as agreed in the Service Information section of Petitioner's Updated Mandatory Notices (Paper 39)):

Jeffrey P. Kushan (Lead Counsel)  
Registration No. 43,401  
Sidley Austin LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Tel: (202) 736-8914  
Fax: (202) 736-8711  
Email: [jkushan@sidley.com](mailto:jkushan@sidley.com)  
Service email:  
[iprnotices@sidley.com](mailto:iprnotices@sidley.com)

Thomas A. Broughan III (Back-up Counsel)  
Registration No. 66,001  
Sidley Austin LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Tel: (202) 736-8314  
Fax: (202) 736-8711  
Email: [tbroughan@sidley.com](mailto:tbroughan@sidley.com)  
Service email: [iprnotices@sidley.com](mailto:iprnotices@sidley.com)

*Counsel for Petitioner*

*Counsel for Petitioner*

/William D. Belanger/  
William D. Belanger (Lead Counsel)  
Registration No. 40,509