

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., WHATSAPP INC., HUAWEI DEVICE CO., LTD., LG
ELECTRONICS, INC., AND APPLE INC.,
Petitioners,

v.

UNILOC 2017 LLC
Patent Owner.

Case IPR2017-01667
U.S. Patent No. Patent 8,724,622 B2

FACEBOOK, INC., WHATSAPP INC., and APPLE INC.,
Petitioners

v.

UNILOC 2017 LLC,
Patent Owner.

Case IPR2017-01668
U.S. Patent No. Patent 8,724,622 B2

PATENT OWNER'S NOTICE OF CROSS-APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22313-1450

For its final written decision, the Board consolidated Case Nos. IPR2017-01667 (“-1667”)¹ and IPR2017-01668 (“-1668”).² This same consolidation was maintained for the decision on request for rehearing. And, Patent Owner maintains the consolidation for this Notice of Cross-Appeal.

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner Uniloc 2017 LLC. (“Patent Owner”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Consolidated Final Written Decision entered January 16, 2019 (Paper 37 for -1667, Paper 35 for -1668); the Consolidated Decision Denying Patent Owner’s Request for Rehearing entered May 15, 2019 (Paper 39 for -1667, Paper 37 for -1668); and from all underlying findings, orders, decisions, rulings, and opinions, including, without limitation the institution decisions for entered January 19, 2018 (Paper 8 for -1667, Paper 8 for -1668).

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 Patent Trial and Appeals Board (“Board”)’s determinations in the institution that Claims 3, 6–8, 10, 11, 13–23, 27–35, 38, and 39 (for -1667) and Claims 4, 5, 12, and 24–26 (for -1668) of U.S. Patent No 8,724,622 B2 (the “622 patent”) were shown by a reasonable likelihood to be unpatentable; the

¹ Huawei Device Co., Ltd. and LG Electronics, Inc., which filed a petition in Case IPR2017-02090, and Apple Inc., which filed a petition in Case IPR2018-00579, were joined as petitioners in IPR2017-01667

² Apple Inc., which filed a petition in Case IPR2018-00580, was joined as a petitioner in IPR2017-01668

Board's subsequent determination that claims 3, 6–8, 10–35, 38, and 39 (consolidated 1667/1668 decision) are unpatentable; the Decision Denying Patent Owner's Request for Rehearing (consolidated 1667/1668 decision); the Board's consideration and analysis of the expert testimony, prior art, and other evidence in the record; 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 fees, is being filed with the Clerk's office of the United States Court of Appeals for the Federal Circuit.

DATED: July 17, 2019

By: /s/ Brett Mangrum
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CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E, the foregoing Notice of Cross-Appeal was filed by Express Mail on July 17, 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
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned certifies that a copy of the foregoing Notice of Cross-Appeal, along with the required docket fee, was filed on July 17, 2019, 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 Cross-Appeal by electronic mail on July 17, 2019, on the counsel of record for Petitioner:

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