

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIRIUS XM RADIO INC.,

Petitioner,

v.

FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER  
ANGEWANDTEN FORSCHUNG E.V.,  
Patent Owner.

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Case IPR2018-00690  
U.S. Patent No. 6,314,289

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**PETITIONER'S NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Petitioner, Sirius XM Radio Inc. ("Sirius XM"), hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board ("the Board") entered July 23, 2020, (Paper 63) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 6,314,289 ("the '289 Patent") at issue in *inter partes* review IPR2018-00690.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to: the Board's determination that Petitioner failed to show by a preponderance of the evidence that claims 1-15, 17-33, and 35 of the '289 Patent are unpatentable; the Board's conclusions that the asserted reference Campenella was not prior art to the '289 Patent; the Board's conclusions regarding whether Sirius XM put forth a ground against the challenged claims based on the asserted reference Chen alone; the Board's conclusions that the asserted reference Smallcomb was not prior art to the '289 Patent; the Board's refusal to consider arguments and evidence filed in reply to Patent Owner's Patent Owner Response; any finding or determination supporting or related to those issues; and all other issues decided adversely to Sirius XM in any orders, decisions, rulings, and opinions.

Petitioner's Notice of Appeal  
IPR2018-00690 (U.S. Patent No. 6,314,289)

Copies of Petitioner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: September 23, 2020

/Jonathan S. Caplan/

Jonathan S. Caplan (Reg. No. 38,094)  
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(Case No. IPR2018-00690)

*Attorneys for Petitioner  
Sirius XM Radio Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Patent Owner as detailed below.

*Date of service*      September 23, 2020

*Manner of service*    Electronic Mail (byorks@irell.com; bredjaian@irell.com;  
dmcphie@irell.com; kvakili@irell.com)

*Documents served*    PETITIONER'S NOTICE OF APPEAL

*Persons Served*      Ben J. Yorks  
                                  Babak Redjaian  
                                  David McPhie  
                                  Kamran Vakili

In addition, the foregoing Petitioner's Notice of Appeal was filed by Express Mail on September 23, 2020, with the United States Patent and Trademark Office at the following address:

Office of the Solicitor  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

The undersigned hereby certifies that the foregoing Petitioner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on September 23, 2020.

Pursuant to Federal Circuit Rule 15, one paper copy of the foregoing was simultaneously sent to the Clerk of the United States Court of Appeals for the Federal Circuit.

*/Jonathan Caplan /*

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