UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIRIUS XM RADIO INC.,

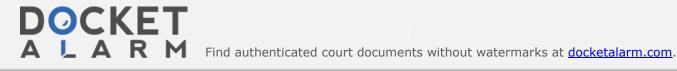
Petitioner,

v.

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

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

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) Mark A. Baghdassarian (*pro hac vice*) Shannon H. Hedvat (Reg. No. 68,417) Jeffrey H. Price (Reg. No. 69,141) Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, NY 10036 Tel: 212.715.9488

(Case No. <u>IPR2018-00690</u>)

Attorneys for Petitioner Sirius XM Radio Inc.

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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.

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

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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