

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, ZTE (USA), INC., SAMSUNG ELECTRONICS CO., LTD.,
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO. LTD.,
HUAWEI INVESTMENT & HOLDING CO. LTD.,
HUAWEI TECH. INVESTMENT CO. LTD., and
HUAWEI DEVICE (HONG KONG) CO. LTD.,
Petitioner

v.

CYWEE GROUP LTD.

Patent Owner

Case IPR2018-01257
Patent No. 8,552,978

PATENT OWNER NOTICE OF APPEAL

Patent Owner hereby gives notice, pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a) and 90.3(a), to the Director of the United States Patent and Trademark Office that Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the final written decision of the Patent Trial and Appeal Board under 35 U.S.C. § 318(a) in *Google LLC, et al. v. CyWee Group Ltd.*, IPR2018-01257, dated January 9, 2020, and from all underlying orders, decisions, ruling and opinions adverse to Patent Owner regarding the following issues:

1. That Petitioner Google failed to disclose all Real Parties in Interest and/or Privies as required by 35 U.S.C. § 315, and that this IPR must be (and should have been) terminated and dismissed because one or more of the undisclosed parties were time-barred at the time that the Petitioner filed its petition;

2. That Patent Owner was entitled to additional discovery regarding Petitioner's relationship with undisclosed Real Parties in Interest and/or Privies;

3. That Bachmann is not analogous prior art;

4. That claims 10 and 12 of U.S. Patent 8,552,978 (the "978 Patent") are not obvious under 35 U.S.C. § 103 over U.S. Pat. Pub. US 2004/0095317 A1 to Zhang, et al ("Zhang") in view of U.S. Patent 7,089,148 B1 to Bachmann ("Bachmann");

5. That claims 10 and 12 of the '978 Patent are not obvious under 35 U.S.C. § 103 over U.S. Patent 7,138,118 B2 to Liberty ("Liberty") in view of Bachmann;

6. That proposed amended claims 19 and 20 (corresponding to original claims 10 and 12) of the '978 Patent are supported by the provisional application to which the '978 Patent expressly claims priority (App. No. 61/292,558), and that the amended claims are not obvious under 35 U.S.C. § 103 over U.S. Patent Pub. US 2010/0312468 to Withanawasam ("Withanawasam") in view of Bachmann or any other combination of cited prior art;

7. That this IPR must be (and should have been) terminated and dismissed because each and every decision and ruling, including the Decision to Institute, was made by Administrative Patent Judges whose appointment violates the Appointments Clause of the U.S. Constitution;

8. That the Board improperly construed the challenged claims of the '978 Patent, including construing the term "3D pointing device" to not require that said device is handheld.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board pursuant to 37 C.F.R. § 90.2(a). A copy of this Notice of Appeal along with the required docketing fees, and

a copy of the Decision on Appeal, has also be simultaneously transmitted to the clerk of the court for the Federal Circuit pursuant to Fed. Cir. Rule 15(a)(1).

Respectfully submitted,

Dated: March 6, 2020

/Jay P. Kesan/
Jay P. Kesan
Reg. No. 37,488

*Counsel for Patent Owner
Cywee Group Ltd.*

Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the date indicated below, a complete and entire copy of this submission, including the attachments hereto, was provided to Petitioners' counsel via email, as agreed to by Petitioners' Service Information in the Petition submissions, by serving the email addresses of record as follows:

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