

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

QUALCOMM INCORPORATED,
Patent Owner

Case No. IPR2018-01279
Patent No. 7,844,037

PETITIONER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c) and 319, and 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner Apple Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2018-01279 entered January 2, 2020 (Paper 45) (“Final Written Decision”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions related thereto and included therein. This appeal is timely under 35 U.S.C. § 142 and Rule 15(a)(1) of the Federal Rules of Appellate Procedure.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not necessarily limited to:

- (1) The Board’s decision that claims 1–8, 12–14, and 16–18 of U.S. Patent No. 7,844,037 (Ex. 1001) were not shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,301,338 to J. Mäkelä et al. (Ex. 1004, “Mäkelä”) in view of U.S. Patent Application 2003/0104827 to B. Moran et al. (Ex. 1006, “Moran”);
- (2) The Board’s decision that claims 7–11 were not shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over Mäkelä in view of Moran and U.S. Patent Application 2004/0203956 to I. Tsampalis (Ex. 1007, “Tsampalis”);

- (3) The Board’s construction of the term “composing” in all claims under review, including the Board’s interpretation of that construction and its application to the prior art;
- (4) The Board’s decision not to consider certain arguments raised by Petitioner relating to claim 28 of Mäkelä;
- (5) The Board’s interpretation of the prior art;
- (6) The Board’s legal errors in undertaking the aforementioned obviousness analysis;
- (7) The Board’s findings that conflict with the evidence of record or are otherwise not supported by substantial evidence;
- (8) The Board’s failure to consider evidence of record fully and properly;
and
- (9) all other issues decided adversely to Petitioner in any orders, decisions, ruling and opinion underlying or supporting the Final Written Decision.

Per 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this notice is being filed with the Director of the U.S. Patent and Trademark Office, and a copy is also being filed with the Board. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. 90.2(a)(2), Petitioner is also sending a paper copy of this Notice of Appeal to the Clerk of the U.S. Court of Appeals for the Federal Circuit, and paying the fee set forth in Federal Circuit Rule 42.

Respectfully submitted,

Date: March 4, 2020

/Timothy W. Riffe/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on March 4, 2020, a complete and entire copy of this Petitioner's Notice of Appeal was provided via email to the Patent Owner by serving the correspondence address of record as follows:

Brian W. Oaks
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I hereby certify that, in addition to being filed electronically through the Board's E2E System, the original version of the foregoing Notice of Appeal was filed by hand on March 4, 2020, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
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Madison Building East, 1 OB20
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