

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

Apple Inc.,  
Petitioner,

v.

Qualcomm Incorporated,  
Patent Owner

---

Case IPR2018-01316  
U.S. Patent No. 8,063,674

---

**PATENT OWNER'S NOTICE OF APPEAL**

Pursuant to 37 C.F.R § 90.2(a), Patent Owner Qualcomm Incorporated (“Qualcomm” or “Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit the Patent Trial and Appeal Board’s Final Written Decision on Remand in IPR2018-01316, entered on November 10, 2022 (Paper No. 38) and from all underlying orders, decisions, rulings and opinions that are adverse to Qualcomm.

In accordance with 37 C.F.R § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, but are not limited to, the determination of unpatentability of claims 8, 9, 12, 13, and 16–22 of U.S. Patent No. 8,063,674 under 35 U.S.C. § 103(a); the determination that alleged Applicant Admitted Prior Art (AAPA) is not the basis of Petitioner’s challenge, and is therefore eligible for use in the *inter partes* review proceeding; the determination that the answer to this issue is resolved by the June 9, 2022 Updated Guidance on the Treatment of Statements of the Applicant in the Challenged Patent in Inter Partes Reviews Under § 311; any finding or determination supporting or related to those issues; as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the United States Patent and Trademark Office by way of hand delivery to the Office of General Counsel to:

Office of the General Counsel  
United States Patent and Trademark Office  
Madison Building East, Room 10B20  
600 Dulany Street  
Alexandria, Virginia 22314

In addition, this Notice of Appeal, along with a copy of the Final Written Decision, is being filed electronically with the United States Court of Appeals for the Federal Circuit along with the required docketing fees.

Respectfully submitted,

Date: November 17, 2022

/ David B. Cochran /  
David B. Cochran, Reg. No. 39,142  
JONES DAY  
North Point, 901 Lakeside Avenue  
Cleveland, OH 44114

*Counsel for Patent Owner*

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on November 17, 2022, a complete and entire copy of this **PATENT OWNER'S NOTICE OF APPEAL** has been served in its entirety by e-mail on the following counsel of record for petitioner:

W. Karl Renner  
IPR39521-0054IP1@fr.com  
axf-ptab@fr.com

Thomas A. Rozylowicz  
PTABInbound@fr.com  
rozylowicz@fr.com  
tar@fr.com

Timothy W. Riffe  
riffe@fr.com

David L. Holt  
holt2@fr.com

Whitney A. Reichel  
wreichel@fr.com

Date: November 17, 2022

/ David B. Cochran /  
David B. Cochran, Reg. No. 39,142  
JONES DAY  
North Point, 901 Lakeside Avenue  
Cleveland, OH 44114

*Counsel for Patent Owner*

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

QUALCOMM INCORPORATED,  
Patent Owner.

---

IPR2018-01315, IPR2018-01316  
Patent 8,063,674 B2<sup>1</sup>

---

Before TREVOR M. JEFFERSON, DANIEL J. GALLIGAN, and  
SCOTT B. HOWARD, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge*  
SCOTT B. HOWARD.

Opinion Concurring filed by *Administrative Patent Judge*  
DANIEL J. GALLIGAN.

HOWARD, *Administrative Patent Judge*.

JUDGMENT

Final Written Decision on Remand  
Determining All Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

---

<sup>1</sup> The parties may not use this style heading in any subsequent papers without prior authorization.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.