

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, and COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner

v.

REALTIME ADAPTIVE STREAMING, LLC.,
Patent Owner

Case IPR2018-01342
U.S. Patent No. 8,934,535

PATENT OWNER'S NOTICE OF APPEAL

Office of the General Counsel
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Submitted Electronically via the PTAB E2E System

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-90.3, Patent Owner Realtime Adaptive Streaming, LLC (“Realtime”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on February 27, 2020, in IPR2018-01342 (Paper No. 47) (“FWD”), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the inter partes review of U.S. Patent No. 8,934,535 (the “’535 patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Realtime states that the issues on appeal may include: the Board’s determination that claims 1–8, 1–12, and 14 of the ’535 patent have been shown to be unpatentable; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; and the Board’s factual findings, conclusions of law, or other determinations supporting or related to those issues. Specifically, the issues on appeal may include:

- the Board’s claim constructions, including its construction of the term “access profile” (FWD at 13–16);
- the Board’s findings that Dvir anticipates claims 1, 2, 9, 10, and 14 (FWD at 20–28);
- the Board’s findings that Dvir and Ishii renders obvious claims 3–6, 8, 11, and 12, including its findings about motivation to combine (FWD at 30–38);

- the Board's issuance of a final written decision in IPR2018-01342 and maintenance of the IPR despite finding all petitioners in IPR2018-01342 were time-barred, including joinder, time-bar, privy, real-party-in-interest, and constitutional issues (FWD at fn. 1);
- constitutional violations and Appointments Clause issues implicated by recent Federal Circuit cases, including issuance of FWD before *Arthex* mandated.

This Notice of Appeal is being mailed and e-filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with payment of the required docketing fees. In addition, a copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board.

Respectfully submitted,

Dated: April 30, 2020

/ Kent N. Shum /

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on April 30, 2020, by filing this document through the Patent Trial and Appeal Board End to End system as well as delivering a copy via electronic mail upon the following attorneys of record:

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