

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

COREPHOTONICS, LTD.,
Patent Owner

Case IPR2019-00030
U.S. Patent No. 9,857,568

PATENT OWNER'S AMENDED NOTICE OF APPEAL

Office of the General Counsel
United States Patent and 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, and by permission of the Federal Circuit, Patent Owner Corephotonics, LTD. (“Corephotonics”) hereby amends its prior Notice of Appeal (Paper No. 33) appealing 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 April 6, 2020, in IPR2019-00030 (Paper No. 32) (“Final Written Decision”), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the inter partes review of U.S. Patent No. 9,857,568 (the “’568 patent”), to appeal the same and further include the Order denying Corephotonics’ request for Director review entered September 28, 2021 (Paper No. 35), and all underlying findings, determinations, rulings, opinions, orders, and decisions regarding that Order.

Corephotonics’ request for Director review was made pursuant to a remand by the Federal Circuit in *Corephotonics, Ltd. v. Apple Inc.*, Case No. 2020-1961. Corephotonics submits this Amended Notice of Appeal out of an abundance of caution, within the seven-day deadline for any Amended Notice of Appeal set forth in the order entered by the Federal Circuit in that pending appeal on October 6, 2021.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Corephotonics states that the issues on appeal may include, but are not limited to: the Board’s determination that claims 1–5 of the ’568 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, as well as all other issues decided adversely to Corephotonics in any orders, decisions, rulings, and opinions.

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

Respectfully submitted,

Dated: October 13, 2021

/ Neil A. Rubin /

Neil A. Rubin
Reg. No. 67,030
Reza Mirzaie
Reg. No. 69,138
Marc Fenster
Pro Hac Vice
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
Fax: (310) 826-6991
rmirzaie@raklaw.com
nrubin@raklaw.com
mfenster@raklaw.com
corephotonics@raklaw.com

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

The undersigned hereby certifies that the above document was served on October 13, 2021, 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 for the Petitioner:

David W. O'Brien
Michael Parsons
Andrew S. Ehmke
Jordan Maucotel
Jamie H. McDole
HAYNES AND BOONE, LLP
david.obrien.ipr@haynesboone.com
michael.parsons.ipr@haynesboone.com
andy.ehmke.ipr@haynesboone.com
jordan.maucotel.ipr@haynesboone.com
Jamie.mcdole@haynesboone.com

A copy of this Notice of Appeal was also sent on October 13, 2021 by Priority Mail Express to the United States Patent and Trademark Office at the following address:

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

/ Neil A. Rubin /
Neil A. Rubin (Reg. No. 67,030)