

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

FIRSTFACE CO., LTD.,

Patent Owner

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Case IPR2019-00613<sup>1</sup>  
Patent 9,633,373 B2

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**PETITIONER'S NOTICE OF APPEAL**

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<sup>1</sup> Case IPR2019-01011 has been consolidated with this proceeding.

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

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and 37 C.F.R. §§ 90.2-90.3, notice is hereby given that Petitioner Apple Inc. 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 July 31, 2020 in IPR2019-00613 (Paper 27) and IPR2019-01011 (Paper 10), and from all underlying orders, decisions, rulings, and opinions regarding these *inter partes* reviews of U.S. Patent No. 9,633,373 (“’373 patent”). A copy of the Final Written Decision is attached.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal include, but are not limited to, the following: (1) the Board’s determination that claims 11-14 and 18 of U.S. Patent No. 9,633,373 have not been shown to be unpatentable; (2) the Board’s determination that Petitioner has not demonstrated by a preponderance of the evidence that claims 11-14 and 18 of the ’373 patent are unpatentable under 35 U.S.C. § 103 as obvious over (i) Griffin, Davis, and iOS and (ii) Goertz, Davis, and iOS; (3) the Board’s construction and application of the claim language; (4) the Board’s consideration of the expert testimony, prior art, and other evidence in the record; (5) the Board’s factual findings, conclusions of law or other determinations supporting or related to those issues; as

well as (6) all other issues decided adversely to Petitioner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the PTAB through the E2E System. In addition, copies of the Notice of Appeal, along with the required docketing fee, are being filed with the Clerk's office for the United States Court of Appeals for the Federal Circuit.

Dated: September 29, 2020

Respectfully submitted,

By: *Gabrielle E. Higgins*

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*Counsel for Petitioner Apple Inc.*

## CERTIFICATE OF SERVICE

The undersigned certifies that, on September 29, 2020, the foregoing  
PETITIONER'S NOTICE OF APPEAL was:

(1) electronically filed through PTAB E2E

(2) filed by Federal Express with the Director of 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

(3) filed in the U.S. Court of Appeals for the Federal Circuit using the  
Court's CM/ECF filing system and pay.gov to pay the filing fee electronically

(4) provided as a courtesy copy via electronic mail to the following attorneys  
of record for the Patent Owner listed below:

Barry J. Bumgardner ([barry@nbafirm.com](mailto:barry@nbafirm.com))  
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Dated: September 29, 2020

Respectfully submitted,

By: /Gabrielle E. Higgins  
Gabrielle E. Higgins  
Reg. No. 38,916

*Counsel for Petitioner Apple Inc.*

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IPR2019-00613,  
IPR2019-01011<sup>1</sup>  
Patent 9,633,373 B2

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Before JUSTIN T. ARBES, MELISSA A. HAAPALA, and  
RUSSELL E. CASS, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

DECISION  
Final Written Decision  
Determining Some Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

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<sup>1</sup> Case IPR2019-01011 was consolidated with IPR2019-00613.  
Accordingly, we issue a consolidated Final Written Decision, and all  
citations are to IPR2019-00613 unless otherwise indicated.

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