

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MPH TECHNOLOGIES OY,
Patent Owner.

Case IPR2019-00820
Patent 7,937,581

**PATENT OWNER'S NOTICE
OF CROSS APPEAL OF FINAL WRITTEN DECISION**

via PTAB E2E
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®
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 22314-1450

via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

MPH Technologies Oy's ("Patent Owner") appeal stems from the Patent Trial and Appeal Board's Judgement Final Written Decision Determining Some Challenged Claims Unpatentable 35 U.S.C. § 318(a) entered on September 24, 2020 (Paper 37, "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 7,937,581 ("the '581 Patent"). This notice of Patent Owner's cross appeal is timely filed within 14 days of the notice of appeal filed by Petitioner. 37 C.F.R. § 90.3(a)(1); Fed. R. App. P. 4(a)(3).

PATENT OWNER'S APPEAL

Pursuant to 28 U.S.C. § 1295(a)(4)(A), 35 U.S.C. §§ 141-143, 37 C.F.R. §§ 90.2 – 90.3, (a)(1) and Fed. Cir. R. 15, Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered September 24, 2020 (Paper 37) in IPR2019-00820.

PATENT OWNER'S ISSUES ON APPEAL

Providing the information required by 37 C.F.R. §§90.2(a)(3)(ii), Patent Owner states that the issues on cross appeal may include, but are not limited to: (i) the Board's holdings that claims 1-3, 5, and 9 of the '581 Patent are unpatentable as obvious; and (ii) any finding or determination supporting or related to the aforementioned issues, including claim constructions, as well as all other issues

decided adversely to Patent Owner in any order, decision, ruling, phone conference decision, and/or opinion.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2, a copy of this Notice of Cross Appeal is being filed simultaneously with the Patent Trial and Appeal Board, the Clerk's Office for the United States Court of Appeals for the Federal Circuit (along with the required docketing fees), and the Director of the Patent and Trademark Office c/o the Office of the General Counsel at the below-identified address.

Respectfully submitted,

/James T. Carmichael/

James T. Carmichael, Reg. No. 45,306

Carmichael IP, PLLC

8000 Towers Crescent Drive

13th Flr.

Tysons Corner, VA 22182

Attorney for Patent Owner

Date: December 7, 2020

CERTIFICATION OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of **PATENT OWNER'S NOTICE OF CROSS APPEAL OF FINAL WRITTEN DECISION** is being filed by U.S.P.S. Priority Mail Express® with the Director on the date below at the following address:

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 22314-1450

The undersigned also hereby certifies that a true and correct copy of **PATENT OWNER'S NOTICE OF CROSS APPEAL OF FINAL WRITTEN DECISION** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on the date below.

Respectfully submitted,

/James T. Carmichael/
James T. Carmichael, Reg. No. 45,306
Carmichael IP, PLLC
8000 Towers Crescent Drive
13th Flr.
Tysons Corner, VA 22182
Attorney for Patent Owner

Date: December 7, 2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date below:

**PATENT OWNER'S NOTICE
OF CROSS APPEAL OF FINAL WRITTEN DECISION**

The names and address of the parties being served are as follows:

Michael D. Specht	mspecht-PTAB@sternekessler.com
Daniel S. Block	dblock-PTAB@sternekessler.com
Timothy L. Tang	ttang-PTAB@sternekessler.com
	PTAB@sternekessler.com

Respectfully submitted,

/James T. Carmichael/
James T. Carmichael, Reg. No. 45,306
Carmichael IP, PLLC
8000 Towers Crescent Drive
13th Flr.
Tysons Corner, VA 22182
Attorney for Patent Owner

Date: December 7, 2020

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.