

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.

MPH TECHNOLOGIES OY,  
Patent Owner.

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Case IPR2019-00823  
Patent 9,712,494 B2

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**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, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

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 November 4, 2020 (Paper 26, "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 9,712,494 B2 ("the '494 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 November 4, 2020 (Paper 26) in IPR2019-00823.

## 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 holding that claims 1, 3, 5-8, and 10 of the '494 Patent are unpatentable as obvious; and (ii) any finding or determination supporting or related to the aforementioned issue, 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/

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Tysons Corner, VA 22182

Attorney for Patent Owner

Date: January 14, 2021

**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, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

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.

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Attorney for Patent Owner

Date: January 14, 2021

**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:

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