

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

IPR2020-00115
Patent No. 8,407,609

NOTICE OF APPEAL OF GOOGLE LLC

Notice is hereby given, pursuant to 37 C.F.R. §§ 90.2(a) and 90.3, and 35 U.S.C. §§ 141 and 142, and 28 U.S.C. § 1295(a)(4)(A), that Petitioner Google LLC (“Google”) appeals to the United States Court of Appeals for the Federal Circuit from the Decision Denying Petitioner’s Request for Rehearing of the Patent Trial and Appeal Board in Case No. IPR2020-00115 entered on May 12, 2020 (Paper No. 10), and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Google states that the issues on appeal include, but are not limited to, whether the USPTO has violated 35 U.S.C. § 316(a)(2) by setting the standards for the showing of sufficient grounds to institute a review under 35 U.S.C. § 314(a) without prescribing regulations; whether the USPTO’s use of precedential PTAB decisions to govern the standards for institution violates 5 U.S.C. § 706(2)(D) because such decisions are not adopted through the use of the notice-and-comment rulemaking process of 5 U.S.C. § 553; whether the precedential opinions that bound the PTAB panel here violated 5 U.S.C. § 706(2)(C) because the USPTO lacks authority to create a rule inconsistent with the timing provision in 35 U.S.C. § 315(b), and whether the institution decision in the underlying IPR should be vacated based on some or all of the foregoing reasons.

Google is filing one copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office, and a copy of this Notice of Appeal is being filed electronically with the Board. In addition, a copy of this Notice of Appeal is being electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with the required docketing fee.

Date: July 14, 2020

Respectfully submitted,

/Erika H. Arner/

Erika H. Arner,
Reg. No. 57,540

CERTIFICATE OF FILING

I certify that the foregoing was filed electronically with the Board through the PTAB E2E System, and a paper copy was served by hand delivery on July 14, 2020 with the Director of the United States Patent and Trademark Office, at the following address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
U.S. Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314

I further certify that a true and correct copy of the foregoing Notice of Appeal, along with the required filing fee, was filed electronically with the Court of Appeals for the Federal Circuit via CM/ECF on July 14, 2020. Pursuant to Administrative Order No. 20-01, a paper copy of this Notice of Appeal has not been filed with the Court of Appeals.

I also hereby certify that on July 14, 2020, a true and correct copy of the foregoing Notice of Appeal was served by electronic mail on counsel for the Patent Owner as follows:

James Etheridge
jim@etheridgelaw.com

Jeffrey Huang
jeff@etheridgelaw.com

Dated: July 14, 2020

By: /Lisa C. Hines/
Lisa C. Hines
Litigation Legal Assistant

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP

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