

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT LLC,

Petitioner,

v.

PHILIPS NORTH AMERICA LLC,

Patent Owner.

Case IPR2020-00783¹

Patent 7,088,233 B2

PATENT OWNER'S NOTICE OF APPEAL

¹ Garmin International, Inc., Garmin USA, Inc., and Garmin Ltd., filed a petition in IPR2020-00910 and have been joined as petitioner in this proceeding.

	IPR2020-00783
	U.S. Patent No. 7,088,233

Pursuant to 35 U.S.C. §§ 141, 142 and 319 and 37 C.F.R. § 90.2(a), Patent owner Philips North America LLC (“Philips”) hereby respectfully gives notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (“Board”) Final Written Decision entered on October 4, 2021 (Paper No. 34) (the “Final Written Decision”) (Exhibit A), as well as from all other underlying orders, decisions, rulings, and opinions that are adverse to Philips.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii) , the issues on Patent Owner’s appeal may include, but are not limited to:

(1) the Board’s determination of unpatentability as to claims 1, 7-10, 13, 15, 16, 22, and 24-26; and

(2) any and all findings or determinations supporting or related to the aforementioned issues, as well as other issues decided adversely to Philips in any orders, decisions, rulings or opinions.

Pursuant to 37 C.F.R. § 90.3(b), this Notice of Appeal is timely, having been duly filed within 63 days after the Final Written Decision entered October 4, 2021.

Simultaneous with the submission, a copy of the Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board. In addition, a copy of

	IPR2020-00783
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this Notice of Appeal, along with the required docketing fees, is being electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: December 3, 2020

Respectfully submitted,

/George C. Beck/
George C. Beck
Registration No. 38,072
Counsel for Patent Owner

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	U.S. Patent No. 7,088,233

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on December 3, 2021, a complete and entire copy of Patent Owner's Notice of Appeal was provided via email to the Petitioner by serving the correspondence address of record as follows:

Naveen Modi (PH-Fitbit-Philips-IPR@paulhastings.com)
Yar R. Chaikovsky (PH-Fitbit-Philips-IPR@paulhastings.com)
Joseph E. Palys (PH-Fitbit-Philips-IPR@paulhastings.com)
David Beckwith (PH-Fitbit-Philips-IPR@paulhastings.com)
David Okano (PH-Fitbit-Philips-IPR@paulhastings.com)

I hereby certify that, in addition to being filed electronically through the Board's E2E System, the foregoing Notice of Appeal was filed by mail on December 3, 2021, with the Director of the United States Patent and Trademark Office, 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 22313-1450

I hereby certify that on December 3, 2021, a true and correct copy of the foregoing Notice of Appeal, along with a copy of the Final Written Decision, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

	IPR2020-00783
	U.S. Patent No. 7,088,233

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

Dated: December 3, 2021

By: /George C. Beck/
George C. Beck
Registration No. 38,072
Counsel for Patent Owner

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