

IRP2020-01189
U.S. Patent No. 8,497,774

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

LBT IP I LLC,
Patent Owner

Case No. IPR2020-01189

U.S. Patent No. 8,497,774

PETITIONER'S NOTICE OF APPEAL

Petitioner Apple Inc. (“Petitioner”) hereby provides notice of its appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision on Remand of the Patent Trial and Appeal Board entered on December 15, 2023, in IPR2020-01189 (Paper No. 48) (“Final Written Decision”), and from all underlying findings, determinations, rulings, opinions, orders, issues, and decisions regarding the *inter partes* review of U.S. Patent No. 8,497,774 (the “’774 Patent”). See 35 U.S.C. §§ 141, 142, and 319; 37 C.F.R. §§ 90.2–90.3; Federal Rule of Appellate Procedure 15, and Federal Circuit Rule 15. This Notice is timely under 37 C.F.R. § 90.3, having been filed no later than 63 days after the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner states that the issues on appeal include, but are not limited to: the Board’s determination that Petitioner had not demonstrated by a preponderance of the evidence that claims 8, 10, 13, and 15 of the ’774 patent are unpatentable; the Board’s determination that the claim term “the power level comprising a multitude of threshold values” excludes signal level threshold values; the Board’s consideration of expert testimony, fact witness testimony, and other evidence in the record; and the Board’s factual findings, conclusions of law, or other determinations supporting or related to the foregoing

issues, as well as all other issues decided adversely to Petitioner in any orders, decisions, rulings, or opinions.

This Notice of Appeal is being e-filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with the payment of required docketing fees. In addition, a true and correct copy of this Notice of Appeal is being filed simultaneously with the Director of the United States Patent and Trademark Office.

DATED: February 15, 2024

Respectfully Submitted,

By: /s/ Adam P. Seitz

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Counsel for Petitioner

CERTIFICATE OF FILING

The undersigned certifies that on February 15, 2024, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E system, a true and correct copy of **PETITIONER'S NOTICE OF APPEAL** is being filed in paper via Priority Mail Express with the Director of the U.S. Patent and Trademark Office at the following address:

Mail Stop 8
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned also certifies that on February 15, 2024, a true and correct copy of **PETITIONER'S NOTICE OF APPEAL** is being filed via the electronic filing system, CM/ECF, with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit.

/s/ Adam P. Seitz
Adam P. Seitz

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) that on February 15, 2024, a complete copy of **PETITIONER'S NOTICE OF APPEAL** was served electronically via e-mail on the following counsel of record for Patent Owner:

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