

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED and
ZYXEL COMMUNICATIONS CORPORATION¹,

Petitioner,

v.

UNM RAINFOREST INNOVATIONS,

Patent Owner.

PTAB Case No. IPR2021-00375
Patent 8,265,096 B2

PATENT OWNER'S NOTICE OF CROSS-APPEAL

¹ ZyXEL Communications Corporation was joined as a petitioner in this proceeding based on a petition and motion for joinder filed in IPR2021-00734, which were granted.

NOTICE OF CROSS APPEAL TO THE FEDERAL CIRCUIT

Pursuant to 35 U.S.C. §§ 141, 143, and 319, and 37 C.F.R. § 1.983, Patent Owner UNM Rainforest Innovations hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered by the Patent Trial and Appeal Board (“Board”) on July 15, 2022 (Paper 68) and from all orders, decisions, rulings, and opinions related thereto. Petitioner filed an initial notice of appeal on September 12, 2022 (Paper 69). This cross-appeal is timely under 37 C.F.R. § 90.3(a) and Rule 4(a)(3) of the Federal Rules of Appellate Procedure.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues for cross-appeal include, but are not limited to:

1. Whether the Board erred in concluding that claims 1-4, 6, and 7 of the U.S. Patent No. 8,265,096 B2 are unpatentable as obvious over U.S. Pub. No. 2009/0067377 A1 (“*Talukdar*”) and U.S. Pub. No. 2007/0155387 A1 (“*Li*”); and
2. any further findings or determinations by the Director or the Board supporting or relating to the issues above, including the Board’s consideration of expert testimony, prior art, and other evidence on record; the Board’s claim constructions and applications thereof; and the Board’s

factual findings, conclusions of law, and other determinations supporting or related to the issues listed above.

A copy of this Notice of Cross-Appeal is being filed simultaneously with the Board and the Clerk's Office for the United States Court of Appeals for the Federal Circuit along with the required docketing fee.

Dated: September 16, 2022

Respectfully submitted,

/s/ Jay P. Kesan

Jay P. Kesan, Reg. No. 37,488
DIMUROGINSBERG, PC
DGKEYIP GROUP
1750 Tyson's Blvd. Suite 1500
Tysons Corner, VA 22102
jkesan@dimuro.com
Telephone: (703) 289-5118

Alfonso Chan, Reg. No. 45,964
SHORE CHAN LLP
901 Main Street, Suite 3300
Dallas, TX 75202
achan@shorechan.com
Telephone: (214) 593-9110

Attorneys for Patent Owner
UNM RAINFOREST INNOVATIONS

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), the undersigned hereby certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E system, the foregoing PATENT OWNER'S NOTICE OF CROSS-APPEAL was filed on September 16, 2022, the same day as the filing of the above-identified documents in the United States Patent and Trademark Office (USPTO), with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
Office of the General Counsel United States Patent and Trademark Office
Madison East, 10B20, 600 Dulany Street
Alexandria, Virginia, 22314

Dated: September 16, 2022

/s/ Jay P. Kesan
Jay P. Kesan

CERTIFICATE OF SERVICE (Fee)

Pursuant to 37 C.F.R. §§ 90.2(a) and Federal Circuit Rule 15(a)(1), the undersigned hereby certifies that on September 16, 2022, the requisite fee for appeal of the foregoing PATENT OWNER'S NOTICE OF CROSS-APPEAL was filed by CM/ECF in the United States Court of Appeals for the Federal Circuit

Dated: September 16, 2022

/s/ Jay P. Kesan
Jay P. Kesan

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