

Filed on behalf of Apple Inc.

By: Adam P. Seitz, Reg. No. 52,206

ERISE IP, P.A.

7015 College Blvd., Suite 700

Overland Park, KS 66211

Tel: (913) 777-5600

Email: adam.seitz@eriseip.com

Paul R. Hart, Reg. No. 59,646

ERISE IP, P.A.

5299 DTC Blvd., Suite 1340

Greenwood Village, CO 80111

Tel: (913) 777-5600

Email: paul.hart@eriseip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., LG ELECTRONICS, INC.,
LG ELECTRONICS U.S.A., INC., AND GOOGLE LLC,
Petitioner,

v.

GESTURE TECHNOLOGY PARTNERS, LLC,
Patent Owner.

Case IPR2021-00921¹
U.S. Patent No. 8,878,949

PETITIONER APPLE INC.'S NOTICE OF APPEAL

¹ IPR2022-00092 (LG Electronics, Inc. and LG Electronics U.S.A., Inc.) and IPR2022-00362 (Google LLC) have been joined with this proceeding

IPR2021-00921
U.S. Patent 8,878,949

via E2E
Patent Trial and Appeal Board

via Priority Mail Express®
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

Apple Inc. appeals the Patent Trial and Appeal Board's Final Written Decision entered on December 5, 2022 (Paper 24) (the "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 8,878,949. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

APPLE INC.'S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319, 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rule of Appellate Procedure/Federal Circuit Rule 15, Apple Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision and all underlying decisions and orders in this action on which that decision is based.

APPLE INC.'S ISSUES ON APPEAL

Apple Inc.'s issues on appeal include challenging at least (*see* 37 C.F.R. § 90.2(a)(3)(ii)):

(i) the Board's determination that Apple Inc. did not establish that claims 4, 11, and 18 of U.S. Patent No. 8,878,949 are unpatentable; and

(ii) any findings or determinations supporting or related to that issue as well as all other issues decided adversely to Apple Inc. in any orders, decisions, rulings, or opinions in this proceeding.

Simultaneously with this submission, Apple Inc. is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy (or copies) of the same, along with the required filing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Dated: February 6, 2023

Respectfully submitted,

ERISE IP, P.A.

BY: /s/Adam P. Seitz
Adam P. Seitz, Reg. No. 52,206
7015 College Blvd., Suite 700
Overland Park, KS 66211
P: (913) 777-5600
F: (913) 777-5601
adam.seitz@eriseip.com

Paul R. Hart, Reg. No. 59,646
5299 DTC Blvd., Suite 1340
Greenwood Village, CO 80111
P: (913) 777-5600
F: (913) 777-5601
paul.hart@eriseip.com

ATTORNEYS FOR PETITIONER
APPLE INC.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End (PTAB E2E) system, a true and correct original version of the foregoing Petitioner's Notice of Appeal is being filed by Priority Express Mail on February 6, 2023, with the Director of the U.S. Patent and Trademark Office, at the following address:

Director of the U.S. 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

Pursuant to 37 C.F.R. 90.2(a)(2) and Federal Circuit Rule 15(a)(1), and Rule 52(a), (e), I hereby certify that a true and correct copy of the foregoing Petitioner's Notice of Appeal is being filed in the United States Court of Appeals for the Federal Circuit using the Court's CM/ECF filing system on February 6, 2023, and the filing fee is being paid electronically using pay.gov.

I hereby certify that on February 6, 2023, I caused a true and correct copy of the foregoing Petitioner's Notice of Appeal to be served via email on the following counsel for Patent Owner:

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