

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

***Inter Partes* Review No. IPR2021-00921¹**

U.S. Patent No. 8,878,949

PATENT OWNER'S NOTICE OF CROSS-APPEAL

Filed on behalf of Patent Owner by:

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

Pursuant to 35 U.S.C. §§ 142 and 319, and 37 C.F.R. § 90.2(a), Patent Owner Gesture Technology Partners, LLC, hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2021-00921 entered on December 5, 2022 (Paper 24) (“Final Written Decision”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions related thereto, including without limitation, those within the Decision on Institution of *Inter Partes* Review entered December 13, 2021 (Paper 8). This cross-appeal is timely under 35 U.S.C. § 142 and Rules 4(a)(3) and 15(a)(1) of the Federal Rules of Appellate Procedure.

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

(1) The Board’s determinations that claims 1 – 3, 5 – 10, and 12 – 17 of U.S. Patent No. 8,878,949 are unpatentable; the Board’s consideration and analysis of the expert testimony, prior art, and other evidence in the record; the Board’s decision to institute *inter partes* review; and the Board’s factual findings, conclusions of law, or other determinations supporting or relating to the above issues.

Pursuant to 37 C.F.R. § 90.2(a)(1) and (a)(2), and as reflected in the attached Certificate of Service, this Notice of Appeal is being electronically filed with the

Patent Trial and Appeal Board through the End-to-End System (E2E) System and the United States Court of Appeals for the Federal Circuit through the CM/ECF System along with the requisite filing fee. A copy is also being mailed to the Office of the General Counsel at the U.S. Patent and Trademark Office.

DATED: February 21, 2023

Respectfully submitted,

By: /Todd E. Landis/
Todd E. Landis
Registration No. 44,200
Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this Notice of Cross-Appeal was filed electronically with the Director of the United States Patent and Trademark Office, as well as sent via Priority Mail Express from the U.S. Postal Service to the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Mail Stop 8, Post Office Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this Notice of Cross-Appeal was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, as well as sent via FedEx Priority Overnight to the following address:

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

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on February 21, 2023, the foregoing document was served on counsel of record for Petitioner by

filing this document through the End-to-End System, as well as via electronic mail to counsel of record for Petitioner (and joined Petitioners) at the following address:

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