

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

Case No. IPR2021-01041
U.S. Patent No. 8,095,879

PETITIONER'S NOTICE OF APPEAL

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MARCH 13 11:19 AM
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Pursuant to 35 U.S.C. §§ 141(c), 142, and 319 and 37 C.F.R. § 90.2(a), Petitioner Google LLC (“Google” or “Petitioner”) hereby provides notice of appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on January 11, 2023 (Paper No. 52) (“Final Written Decision”) and from all underlying orders, decisions, rulings, and opinions relating to the *inter partes* review of U.S. Patent No. 8,095,879 (“’879 patent”) in Case No. IPR2021-01041. This Notice is timely under 37 C.F.R. § 90.3(a)(1), having been filed no later than sixty-three (63) days after issuance of 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 determinations that the combination of George Robertson, et al., “Buttons as First Class Objects on an X Desktop” (“*Robertson*”) and U.S. Patent No. 7,768,501 (“*Maddalozzo*”) does not render obvious claims 1-5, 13, and 15-17 of the ’879 patent and that such claims are not unpatentable;
- the Board’s determinations that the combination of *Robertson*, *Maddalozzo* and U.S. Patent No. 5,745,717 (“*Vayda*”) does not render obvious claims 6, 7, and 9 of the ’879 patent and that such claims are not unpatentable;

- the Board’s determinations that the combination of *Robertson, Maddalozzo*, and U.S. Patent No. 5,870,092 (“*Bedford-Roberts*”) does not render obvious claims 12 of the ’879 patent and that such claims are not unpatentable;
- the Board’s determinations that U.S. Patent No. 6,181,344 (“*Tarpenning*”) does not render obvious claims 1, 4-6, 13, and 15-17 of the ’879 patent and that such claims are not unpatentable;
- the Board’s determinations that the combination of *Tarpenning* and *Vayda* does not render obvious claims 2, 3, 7, 9 of the ’879 patent and that such claims are not unpatentable;
- the Board’s determinations that the combination of *Tarpenning* and *Bedford-Roberts* does not render obvious claims 12 of the ’879 patent and that such claims are not unpatentable;
- the Board’s construction of the terms “gliding” and “gliding . . . away” as used in the ’879 patent;
- the Board’s factual findings, conclusions of law, or other determinations supporting or related to the foregoing issues; and
- all other issues decided adversely to Petitioner in any orders, decisions, rulings, or opinions underlying or supporting the Final Written Decision.

A copy of the Final Written Decision is attached to this Notice.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Board. In addition, a copy of this Notice and the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF in accordance with 37 C.F.R. § 90.2(a)(2), Federal Rule of Appellate Procedure 15, and Federal Circuit Rule 15.

Date: March 13, 2023

Respectfully submitted,

/Erika H. Arner/
Erika H. Arner, Lead Counsel
Reg. No. 57,540

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on March 13, 2023, in addition to being filed and served electronically through the Patent Trial and Appeal Board's P-TACTS System, this **PETITIONER'S NOTICE OF APPEAL** was filed with and served on the Director of the United States Patent and Trademark Office by hand delivery 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
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314

I also hereby certify that on March 13, 2023, this **PETITIONER'S NOTICE OF APPEAL** and the requisite docketing fees were filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF.

I further hereby certify that on March 13, 2023, this **PETITIONER'S NOTICE OF APPEAL** was served by electronic mail on the following counsel for Patent Owner:

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