

IPR2022-00031
Patent No. 10,621,228

Patent Owner's Notice of Appeal

Paper No. ____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

MEMORYWEB, LLC
Patent Owner

Patent No. 10,621,228

Inter Partes Review No. IPR2022-00031

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to at least 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2(a) and 90.3, notice is hereby given that Patent Owner MemoryWeb, LLC ("MemoryWeb") appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision, dated November 17, 2023 (Paper No. 80) ("Final Decision") entered in IPR2022-00031, and from all underlying findings, orders, decisions, rulings, and opinions. This notice is timely under 37 C.F.R. § 90.3, having been filed no later than 63 days after the Final Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), MemoryWeb states that the issues on appeal may include, but are not limited to:

- The Board's determination that claims 1-19 of U.S. Patent No. 10,621,228 were shown by a preponderance of the evidence to be unpatentable under 35 U.S.C. § 103(a) in view of the Aperture 3 User Manual (Ex. 1005) ("A3UM") and Belitz (Ex. 1006), including any findings or determinations supporting or related to that determination;
- The Board's determination that A3UM (Ex. 1005) was shown by a preponderance of the evidence to be a printed publication and qualifies as prior art to U.S. Patent No. 10,621,228;
- The Board's findings relating to the proper construction of the term "responsive to";

- Whether Petitioner should have been named as a real-party-in-interest to the *inter partes* review petition filed by Unified Patents, LLC challenging claims 1-7 of the '228 patent (IPR2021-01413);
- The Board's findings that Patent Owner "forfeited and/or waived" the right to assert estoppel under 35 U.S.C. § 315(e)(1) and denial of Patent Owner's Motion to Terminate (Paper 57);
- The Board's denial of Patent Owner's Motion to Exclude (Paper No. 34);
- All other issues decided adversely to MemoryWeb in any orders, decisions, rulings, and opinions.

A copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal and the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

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Respectfully submitted,

Dated: January 3, 2024

By: /s/Jennifer Hayes

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's
Notice of Appeal was served on January 3, 2024, by email:

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