

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

LOGANTREE LP,
Patent Owner

Case IPR2022-00037
Patent 6,059,576

**PETITIONER'S NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Pursuant to 35 U.S.C. §§ 141(c) and 319, and 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner Apple Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2022-00037 entered August 30, 2023 (Paper 29) (“Final Written Decision”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions related thereto and included therein. This appeal is timely under 35 U.S.C. § 142, 37 C.F.R. § 90.3, Federal Rule of Appellate Procedure 15(a)(1), and Federal Circuit Rule 15(a)(1).

For the limited purpose of providing the Director with the information required by 37 C.F.R. § 90.2(a)(3)(ii) and Federal Rule of Appellate Procedure 15(a)(2)(C), the issues on appeal may include, but are not limited to:

1. The Board’s construction of claim terms of U.S. Patent No. 6,059,576 (the “576 patent”), including the terms “storing first event information related to the detected first user-defined event along with first time stamp information reflecting a time at which the movement data causing the first user-defined event occurred” [1f] and “storing, in said memory, first event information related to the detected first user-defined event along with first time stamp information reflecting a time at which the movement data causing the first user-defined event occurred” [20f], the

Board's interpretation of those constructions, and the Board's application of those constructions to the prior art;

2. The Board's decision that claims 1–5, 8–11, 20, 25, 30-32, 36, 39-42, 45-51, 61-65, 144, and 147 of the '576 patent were not shown to be unpatentable as obvious under 35 U.S.C. § 103 in view of:
 - a. Ono and Hutchings for claims 1, 3-5, 8, 10, 20, 25, 30, 39, 41, 42, 61-65;
 - b. Ono, Hutchings, and Amano for claims 1, 3-5, 8-11, 20, 25, 30, 36, 39-42, 61-65;
 - c. Ono, Hutchings, and Conlan for claims 1-5, 8, 10, 20, 25, 30, 31, 39, 41, 42, 45-47, 49, 61-65;
 - d. Ono, Hutchings, Conlan, and Hickman for claims 48, 50, 51;
 - e. Ono, Hutchings, and Kaufman for claims 1, 3-5, 8, 10, 20, 25, 30, 39, 41, 42, 61-65, 144, 147;
 - f. Ono, Hutchings, Amano, Conlan, and Kaufman for claims 1-5, 8-11, 20, 25, 30-32, 36, 39-42, 45-47, 49, 61-65, 144, 147;
 - g. Ono, Hutchings, Amano, Conlan, Kaufman, and Hickman for claims 48, 50, 51;
 - h. Ono, Hutchings, Amano, and Conlan for claims 1-5, 8-11, 20, 25, 30, 31, 36, 39-42, 45-47, 49, 61-65;

- i. Ono, Hutchings, Amano, Conlan, and Hickman for claims 48, 50, 51;
 - j. Ono, Hutchings, Amano, and Kaufman for claims 1, 3-5, 8-11, 20, 25, 30, 36, 39-42, 61-65, 144, 147;
 - k. Ono, Hutchings, Conlan, and Kaufman for claims 1-5, 8, 10, 20, 25, 30, 31, 39, 41, 42, 45-47, 49, 61-65, 144, 147;
 - l. Ono, Hutchings, Conlan, Kaufman, and Hickman for claims 48, 50, 51;
3. All of the Board's subsidiary findings supporting its determination that claims 1-5, 8-11, 20, 25, 30-32, 36, 39-42, 45-51, 61-65, 144, and 147 of the '576 patent were not shown to be unpatentable under 35 U.S.C. § 103; the Board's failure to consider evidence of record properly; the Board's legal errors in undertaking the obviousness analysis; the Board's findings that conflict with the evidence of record and are not supported by substantial evidence; and
4. All other issues decided adversely to Petitioner in any orders, decisions, rulings, or opinions underlying or supporting the Final Written Decision.

Petitioner further reserves the right to challenge any finding or determination supporting or relating to the issues above.

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 U.S. Patent and Trademark Office, and a copy is also being filed with the Board. In addition, pursuant to Federal Circuit Rule 15(a)(1) and 37 C.F.R. § 90.2(a)(2), Petitioner also is electronically filing this notice with the Clerk of the U.S. Court of Appeals for the Federal Circuit, and paying the fee set forth in Federal Circuit Rule 52.

Respectfully submitted,

Date: October 30, 2023

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