

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

RFCYBER CORP.,

Patent Owner

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Case IPR2022-00412

Patent 9,189,787 B1

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**PETITIONER'S NOTICE OF APPEAL**

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

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and 37 C.F.R. §§ 90.2-90.3, notice is hereby given that Petitioner Apple Inc. appeals 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 July 18, 2023 in IPR2022-00412 (Paper 30), and from all underlying orders, decisions, rulings, and opinions regarding these *inter partes* reviews of U.S. Patent No. 9,189,787 B1 (“’787 patent”). A copy of the Final Written Decision is attached.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal include, but are not limited to, the following: (1) the Board’s determination that claims 1-19 of U.S. Patent No. 9,189,787 have not been shown to be unpatentable; (2) the Board’s determination that Petitioner has not demonstrated by a preponderance of the evidence that claims 1-19 of the ’787 patent are unpatentable under 35 U.S.C. § 103 as obvious over U.S. 2006/0165060 (“Dua”) in view of GlobalPlatform, Card Specification Version 2.1.1, March 2003 (“GlobalPlatform”) and Philips Semiconductors SmartMX, P5CT072, Secure Dual Interface PKI Smart Card Controller, Rev. 1.3, Oct. 4, 2004 (“Philips”); (3) the Board’s construction and application of the claim language; (4) the Board’s

consideration of the expert testimony, prior art, and other evidence in the record; (5) the Board's factual findings, conclusions of law or other determinations supporting or related to those issues; as well as (6) all other issues decided adversely to Petitioner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the PTAB through the P-TACTS System. In addition, copies of the Notice of Appeal, along with the required docketing fee, are being filed with the Clerk's office for the United States Court of Appeals for the Federal Circuit.

Dated: September 12, 2023

Respectfully submitted,

ERISE IP, P.A.

BY: /s/ Adam P. Seitz  
Adam P. Seitz, Reg. No. 52,206  
Paul R. Hart, Reg. No. 59,646

COUNSEL FOR PETITIONER.

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on September 12, 2023, the foregoing  
PETITIONER'S NOTICE OF APPEAL was:

(1) electronically filed through Patent Trial and Appeal Case Tracking System  
(P-TACTS)

(2) filed via Priority Mail Express® with the Director of the United States  
Patent and Trademark Office, at the following address:

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

(3) filed in the U.S. Court of Appeals for the Federal Circuit using the Court's  
CM/ECF filing system and pay.gov to pay the filing fee electronically

(4) provided as a courtesy copy via electronic mail to the following attorneys  
of record for the Patent Owner listed below:

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Dated: September 12, 2023

Respectfully submitted,

ERISE IP, P.A.

BY: /s/ Adam P. Seitz  
Adam P. Seitz, Reg. No. 52,206  
Paul R. Hart, Reg. No. 59,646

COUNSEL FOR PETITIONER

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