

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

RFCYBER CORP.,
Patent Owner.

Patent No. 9,240,009
Filing Date: January 16, 2012
Issue Date: January 19, 2016

Inventors: Liang Seng Koh, Hsin Pan, and Xiangzhen Xie
Title: MOBILE DEVICES FOR COMMERCE
OVER UNSECURED NETWORKS

**RFCYBER CORP.'S
NOTICE OF APPEAL**

Case No. IPR2022-00413

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner RFCyber Corp. (“RFCyber” or “Patent Owner”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered July 18, 2023 (Paper 33, attached hereto as Exhibit A) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 9,240,009 (the “’009 patent”) in Case No. IPR2022-00413. This notice is timely under 37 C.F.R. § 90.3 having been filed within 63 days after the date of the Final Written Decision. For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to: the Board’s claim constructions; its application of those constructions; any implied claim constructions; its obviousness determinations including that claims 1-17 of the ’009 patent are unpatentable under 35 U.S.C. § 103; any findings related to secondary considerations of non-obviousness; the findings, rulings and conclusions supporting or relating to those determinations; and any other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions in IPR2022-00413.

Simultaneous with this submission, three (3) copies of this Notice of Appeal are being filed with the Clerk of the United States Court of Appeals for the Federal Circuit and are being submitted electronically through the Court’s CM/ECF system, together with the requisite fee in the amount of \$500.00. In addition, a copy of this

Notice of Appeal is being filed with the Patent Trial and Appeal Board and served upon counsel of record for Apple Inc.

Respectfully submitted,

September 19, 2023

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CERTIFICATE OF SERVICE

A copy of Patent Owner's Notice of Appeal is being served via email on Petitioner's attorneys of record on the 19th day of September, 2023, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, by serving Petitioner's correspondence address of record with the USPTO as follows

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EXHIBIT A

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