

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and APPLE INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-01004
U.S. Patent No. 9,614,943 B1

PETITIONER SAMSUNG ELECTRONICS CO., LTD.'S

NOTICE OF APPEAL

Samsung's Notice of Appeal
IPR2022-01004 (U.S. Patent No. 9,614,943)

Pursuant to 35 U.S.C. §§ 141(c) and 319 and 37 C.F.R. § 90.2(a), Petitioner Samsung Electronics Co., Ltd. submits this notice of its appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2022-01004, concerning U.S. Patent No. 9,614,943 (“the ’943 patent”), entered December 4, 2023 (Paper 40) (“Final Written Decision”) by the Patent Trial and Appeal Board; the Order denying Director Review, entered January 30, 2024 (Paper 42); and from all underlying orders, decisions, rulings, and opinions related thereto and included in the foregoing.¹ This appeal is timely under 35 U.S.C. § 142, 37 C.F.R. § 90.3, Sections 3.B and 5.C.i of the United States Patent and Trademark Office’s Revised Interim Director Review Process, 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 expected issues on appeal include:

¹ The Final Written Decision and the caption used in proceedings at the Board identify the “Petitioner” as including Samsung Electronics America, Inc.

However, the Petition for *inter partes* review identified Samsung Electronics America, Inc. only as a real party in interest, not as a “Petitioner.”

- (1) The Board's application of a legally incorrect, overly-rigid standard in analyzing whether a person of ordinary skill in the art would have been motivated to combine the Raleigh, Byrne, Pillekamp, WO748, and/or Billström references with a reasonable expectation of success;
- (2) The Board's failure to consider the '943 patent's lack of disclosure concerning the features allegedly beyond the skill of a person of ordinary skill in the art;
- (3) The Board's decision that Petitioners did not show claims 2–4 and 15–20 of the '943 patent are unpatentable, and any finding supporting that determination;
- (4) The Board's interpretation of the prior art;
- (5) The Board's legal errors in undertaking its obviousness analysis, including any implicit claim constructions that the Board applied;
- (6) The Board's findings that conflict with the evidence of record or are otherwise not supported by substantial evidence;
- (7) The Board's failure to consider arguments and evidence of record fully and properly;
- (8) The Board's reliance on conclusory and insufficient expert testimony;
- (9) The Director's decision not to review the Board's foregoing errors; and

- (10) All other issues decided adversely to Petitioners in any orders, decisions, rulings, and opinions underlying or supporting the Final Written Decision and/or the Order denying Director Review.

Per 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. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. 90.2(a)(2), Samsung is also 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,

Dated: April 2, 2024

/W. Karl Renner/

W. Karl Renner, Reg. No. 41,265

Jeremy J. Monaldo, Reg. No. 58,680

*Attorneys for Petitioner Samsung
Electronics Co., Ltd.*

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1), the undersigned certifies that on April 2, 2024, a complete and entire copy of this Petitioner Samsung Electronics Co., Ltd.'s Notice of Appeal was provided by email to the Patent Owner by serving the email correspondence addresses of record as follows:

Rex Hwang
Todd Martin
Steve Udick
SKIERMONT DERBY LLP
633 West 5th Street, Suite 5800
Los Angeles, CA 90071

Philip J. Graves
Greer N. Shaw
GRAVES & SHAW LLP
355 S. Grand Ave., Suite 2450
Los Angeles, CA 90071

Email: rhwang@skiermontderby.com
tmartin@skiermontderby.com
sudick@skiermontderby.com
pgraves@gravesshaw.com
gshaw@gravesshaw.com

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