

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

IPR2022-01222
U.S. Patent No. 8,982,863 B1

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

via P-TACTS
Patent Trial and Appeal Board

via Hand Delivery
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

via CM/ECF
United States Court of Appeals for the Federal Circuit

Pursuant to 28 U.S.C. § 1295(a)(4)(A), 35 U.S.C. §§ 141(c), 142, and 319, and 37 C.F.R. §§ 90.2(a), 90.3, 5 U.S.C. §§ 701–706, and Federal Circuit Rule 15(a)(1), Petitioner Apple Inc. (“Petitioner”) provides notice that it 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 January 26, 2024 (Paper 34) and from all underlying and related orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,982,863 (“the ’863 patent”) in *Inter Partes* Review IPR2022-01222.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to: the Board’s error(s) in determining that Petitioner has failed to demonstrate that challenged claims 1–12, 14, 19 and 24 of the ’863 patent are unpatentable, and any finding or determination supporting or related to that determination, as well as all other issues decided adversely to Petitioner in any orders, decisions, rulings, or opinions in *Inter Partes* Review IPR2022-01222.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office and with the Patent Trial and Appeal Board. In addition, a copy of this Notice and the required docketing fees are being filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully submitted,

Dated: March 28, 2024

/Adam C. Fowles/
Adam C. Fowles
Counsel for Petitioner
Registration No. 65,005

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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB P-TACTS, a true and correct copy of the above-captioned PETITIONER APPLE INC.'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT is being filed by hand with the Director on March 28, 2024, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned PETITIONER APPLE INC.'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on March 28, 2024.

Respectfully submitted,

Dated: March 28, 2024

/Adam C. Fowles/
Adam C. Fowles
Counsel for Petitioner
Registration No. 65,005

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, this is to certify that a true and correct copy of the foregoing "Petitioner Apple Inc.'s Notice of Appeal to the United States Court of Appeals for the Federal Circuit" was served on counsel for Patent Owner Smart Mobile Technologies LLC as detailed below:

| | |
|--------------------------|--|
| <i>Date of service</i> | March 28, 2024 |
| <i>Manner of service</i> | Electronic Service by E-mail: rhwang@skiermontderby.com ; tmartin@skiermontderby.com ; pgraves@gravesshaw.com ; gshaw@gravesshaw.com |
| <i>Documents served</i> | Petitioner Apple Inc.'s Notice of Appeal to the United States Court of Appeals for the Federal Circuit |
| <i>Persons served</i> | Rex Hwang (rhwang@skiermontderby.com) SKIERMONT DERBY LLP 633 West 5th Street, Suite 5800 Los Angeles, CA 90071 Todd Martin (tmartin@skiermontderby.com) SKIERMONT DERBY LLP 1601 Elm Street, Suite 4400 Dallas, TX 75201 Philip J. Graves (pgraves@gravesshaw.com) Greer N. Shaw (gshaw@gravesshaw.com) GRAVES & SHAW LLP 355 S. Grand Ave., Suite 2450 Los Angeles, CA 90071 |

Respectfully submitted,

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