

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

RFCYBER CORP.,

Patent Owner.

Patent No. 10,600,046
Filing Date: June 2, 2015
Issue Date: March 24, 2020

Inventors: Xiangzhen Xie, Liang Seng Koh, and Hsin Pan
Title: METHOD AND APPARATUS FOR MOBILE PAYMENTS

PATENT OWNER'S NOTICE OF APPEAL

Case No. IPR2022-01239

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 January 19, 2024 (Paper 23, attached hereto as Exhibit A) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 10,600,046 (the “’046 patent”) in Case No. IPR2022-01239. 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 1-5, 12-14, 17, and 18 of the ’046 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 IPR2022-01239.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the United States Court of Appeals for the Federal Circuit through the

Court's CM/ECF system, together with the requisite fee in the amount of \$600.00. 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,

Dated: March 22, 2024

By: /Vincent J. Rubino, III /
Vincent J. Rubino, III (Reg. No. 68,594)
FABRICANT LLP
411 Theodore Fremd Avenue,
Suite 206 South
Rye, New York 10580
Tel. 212-257-5797
Fax. 212-257-5796
Email: vrubino@fabricantllp.com

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

RFCYBER CORP.,
Patent Owner.

IPR2022-01239
Patent 10,600,046 B2

Before JOSIAH C. COCKS, PATRICK R. SCANLON, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.