

Filed: April 9, 2024

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 IPR2022-01248
Patent 8,842,653 B1

PATENT OWNER'S NOTICE OF CROSS-APPEAL

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

Notice is hereby given that Patent Owner Smart Mobile Technologies LLC (“Smart Mobile”) hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (“FWD”) entered in IPR2022-01248 (Paper No. 53), and from all underlying orders, decisions, rulings, and opinions related thereto and included therein under 35 U.S.C. §§ 141(c) and 319, 329; 37 C.F.R. §§ 90.2, 90.3, 104.2; and Fed. R. App. P. 4(a)(3).

This cross-appeal is timely under 37 C.F.R. § 90.3(a) and Fed. R. App. P. 4(a)(3). On March 26, 2024, Samsung Electronics Co., Ltd. (“Samsung”) and Apple Inc. (“Apple”) each filed a Notice of Appeal with the Federal Circuit from the FWD entered in IPR2022-01248. On March 27, 2024, Apple’s appeal was docketed as Docket No. 2024-1607, and Samsung’s appeal was docketed as Docket No. 2024-1608. Smart Mobile submits this Notice of Cross-Appeal within 14 days of Samsung and Apple’s Notices of Appeal pursuant to 37 C.F.R. § 90.3(a)(1) and Fed. R. App. P. 4(a)(3).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues for cross-appeal include, but are not limited to, the conclusions that claims 14-21 and 23-26 of U.S. Patent No. 8,842,653 (“the ’653 Patent”) were shown to be unpatentable, including all subsidiary findings of fact and conclusions of law with respect to such claims and findings (including, but not limited to, claim construction, teachings of the prior art references, knowledge of a person having

ordinary skill in the art, waiver of arguments, scope of reply evidence and argument, and whether the petition made out a prima facie case of unpatentability for the challenged claims). By way of example, and not of limitation, this cross-appeal will address the issues of whether (i) claims 14–16 were proven unpatentable over the combination of Yegoshin, Johnston and Billström, (ii) claims 17–21 and 23 were proven unpatentable over the combination of Yegoshin, Johnston, Billström and Bernard, (iii) claims 24–26 were proven unpatentable over the combination of Yegoshin, Johnston, Billström, Bernard and Sinton, and (iv) whether the Board complied with its obligations under the Administrative Procedure Act.

Pursuant to 37 C.F.R. §§ 42.6(e)(2) and 90.2(a)(3)(ii), a copy of this Notice of Cross-Appeal is being filed simultaneously 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 of Cross-Appeal is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit along with the required docketing fees.

Dated: April 9, 2024

Respectfully Submitted,

/ Kenneth J. Weatherwax /

Kenneth J. Weatherwax, Reg. No. 54,528

Nathan Lowenstein, pro hac vice

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LOWENSTEIN & WEATHERWAX LLP

CERTIFICATE OF FILING

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), the undersigned hereby certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's P-TACTS system, a physical copy of the foregoing **PATENT OWNER'S NOTICE OF CROSS-APPEAL** was filed with the Director of the United States Patent and Trademark Office via Priority Express Mail on April 9, 2024, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450, Alexandria, VA 22313-1450

Pursuant to Fed. Cir. R. 15(a), the undersigned hereby certifies that the foregoing **PATENT OWNER'S NOTICE OF CROSS-APPEAL** and the filing fee are being filed with the Clerk's Office of the Court of Appeals for the Federal Circuit via the Court's electronic filing system, CM/ECF, on April 9, 2024.

Dated: April 9, 2024

Respectfully Submitted,

/ Kenneth J. Weatherwax /

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