

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.

IPR2022-01249
U.S. Patent No. 9,019,946 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 23, 2024 (Paper 53), as corrected by the Errata issued February 13, 2024 (Paper 54), and from all underlying and related orders, decisions, rulings, and opinions regarding U.S. Patent No. 9,019,946 (“the ’946 patent”) in *Inter Partes* Review IPR2022-01249.

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 1–13 and 16 of the ’946 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 IPR2022-01249.

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 26, 2024

/Clint Wilkins/
Clint Wilkins
Counsel for Petitioner
Registration No. 62,448

HAYNES AND BOONE, LLP
2801 N. Harwood Street
Suite 2300
Dallas, TX 75201
Telephone: (972) 739-6927
Facsimile: (214) 200-0853
clint.wilkins.ipr@haynesboone.com

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 26, 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 26, 2024.

Respectfully submitted,

Dated: March 26, 2024

/Clint Wilkins/
Clint Wilkins
Counsel for Petitioner
Registration No. 62,448

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 and counsel for Petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. as detailed below:

<i>Date of service</i>	March 26, 2024
<i>Manner of service</i>	Electronic Service by E-mail: <ul style="list-style-type: none">- rhwang@skiermontderby.com- tmartin@skiermontderby.com- pgraves@gravesshaw.com- gshaw@gravesshaw.com- IPR39843-0126IP1@fr.com- PTABInbound@fr.com- axf-ptab@fr.com- jjm@fr.com- in@fr.com- spark@fr.com- kazi@fr.com- cgreen@fr.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>	<i>Counsel for Smart Mobile Technologies LLC</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

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.