

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-01249
U.S. Patent No. 9,019,946 B1

PETITIONER SAMSUNG'S NOTICE OF APPEAL

Samsung Petitioners' Notice of Appeal
IPR2022-01249 (U.S. Patent No. 9,019,946)

Pursuant to 35 U.S.C. §§ 141(c) and 319 and 37 C.F.R. § 90.2(a), Petitioners Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., submit this notice of their appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2022-01249, concerning U.S. Patent No. 9,019,946 (“the ’946 patent”), entered January 23, 2024 (Paper 53) (“Final Written Decision”)¹ by the Patent Trial and Appeal Board, and from all underlying orders, decisions, rulings, and opinions related thereto and included therein. This appeal is timely under 35 U.S.C. § 142, 37 C.F.R. § 90.3, 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 Board’s interpretation of the term “multiplex[.]” and its application of that interpretation to the prior art;

¹ On February 13, 2024, the Board issued errata (Paper 54) “to address the erroneous inclusion of claim 26 as not being shown to be unpatentable.” The Samsung Petitioners agree with the corrections made in the errata, which are not relevant to the Samsung Petitioners’ appeal concerning other claims of the ’946 patent.

- (2) The Board's legal errors in analyzing whether the Yegoshin and Bernard references render multiplexing signals, as claimed, obvious to a person of ordinary skill in the art;
- (3) The Board's decision that Petitioners did not show claims 1–13 and 16 of the '946 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;
and
- (9) All other issues decided adversely to Petitioners in any orders, decisions, rulings, and opinions underlying or supporting the Final Written Decision.

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

Samsung Petitioners' Notice of Appeal
IPR2022-01249 (U.S. Patent No. 9,019,946)

filed with the Board. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. 90.2(a)(2),
Petitioners are 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: March 26, 2024

/W. Karl Renner/

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

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

Attorneys for Petitioners

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1), the undersigned certifies that on March 26, 2024, a complete and entire copy of this Petitioner Samsung's Notice of Appeal was provided by email to the Patent Owner by serving the email correspondence addresses of record as follows:

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