

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioners,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,
Patent Owner.

Case: IPR2015-00373
U.S. Patent No. 6,128,290

PATENT OWNER'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Express Mail
Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

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

via Express Mail
Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place NW
Washington, DC 20439

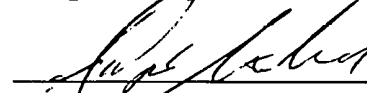
Patent Owner DSS Technology Management, Inc. (“Patent Owner”), hereby timely gives notice, pursuant to 37 C.F.R. § 90.2(a), 90.3(a), 35 U.S.C. §§ 141(c), 142, and 319, Federal Rule of Appellate Procedure 15(a), and Federal Circuit Rule 15(a)(1), of its appeal to the United States Court of Appeals for the Federal Circuit. Patent Owner appeals the Patent Trial and Appeal Board’s (“the Board’s”) Final Written Decision entered on June 17, 2016 (Paper 39), in the above-captioned *Inter Partes* Review (“IPR”) of U.S. Patent No. 6,128,290 (“the ‘290 Patent”), and all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues on appeal include, without limitation, the following: (i) the Board’s finding that claims 9-10 of the ‘290 Patent are unpatentable as obvious under 35 U.S.C. § 103 over U.S. Patent No. 5,241,542 (“Natarajan”) in view of U.S. Patent No. 4,887,266 (“Neve”); (ii) the Board’s construction of the claims of the ‘290 Patent and application thereof; the Board’s obviousness analysis; (ii) the Board’s reliance on Petitioner’s arguments not originally presented in the Petition for IPR; and (iv) any findings or determinations relating to the aforementioned issues as well as all other issues decided adversely to Patent Owner in any orders, decisions, ruling, or opinions.

Simultaneous with this submission, Patent Owner is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office and filing the same, along with the required docketing fees, with the Clerk of the U.S. Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Date: August 18, 2016

Respectfully submitted,



Andriy Lylvyn
Lead Counsel for Patent Owner
USPTO Reg. No. 65,166

Anton J. Hopen
Back-up Counsel for Patent Owner
USPTO Reg. No. 41,849

Nicholas Pfeifer
Back-up Counsel for Patent Owner
USPTO Reg. No. 70,568

SMITH & HOPEN, P.A.
Pine Avenue North
Oldsmar, FL 34677
Tel: 813-925-8505
Fax: 800-726-1491
Email: ipr@smithhopen.com

CERTIFICATE OF FILING


The undersigned hereby certifies that, in addition to being electronically filed via the Patent Trial and Appeal Board End to End (PTAB E2E) system, a true and correct copy of the above-captioned PATENT OWNER'S NOTICE OF APPEAL is being filed by Express Mail (Express Mail Label No. EF 127059890 US) with the Director of the U.S. Patent and Trademark Office on August 18, 2016, at the following address:

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

The undersigned also hereby certifies that, in addition to being electronically filed via the electronic filing system, CM/ECF, a true and correct copy of the above-captioned PATENT OWNER'S NOTICE OF APPEAL is also being filed by Express Mail (Express Mail Label No. EF 127059926 US) with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit on April 18, 2016, at the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place NW
Washington, DC 20439

Date: August 18, 2016



Andriy Lytvyn
Registration No. 65,166
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, in accordance with 37 C.F.R. § 42.6(e), the above PATENT OWNER'S NOTICE OF APPEAL was served via electronic mail on August 18, 2016 in its entirety upon the following:


David K.S. Cornwell, Lead Counsel for Petitioner
davidc-PTAB@skgf.com

Mark W. Rygiel, Back-Up Counsel for Petitioner
mrygiel-PTAB@skgf.com

Robert Sterne, Back-Up Counsel for Petitioner
rsterne-PTAB@skgf.com

Jason Fitzsimmons, Back-Up Counsel for Petitioner
jfitzsimmons-PTAB@skgf.com

Date: August 18, 2016



Andriy Lytvyn
Registration No. 65,166
Lead Counsel for Patent Owner

SMITH & HOPEN, P.A.
180 Pine Avenue North
Oldsmar, FL 34677
(813) 925-8505