

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

Case CBM2015-00131
Patent 8,061,598 B2

PATENT OWNER'S NOTICE OF APPEAL

U.S. PATENT
AND
TRADEMARK OFFICE
2017 MAR 27 PM 4:33

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Smartflash LLC appeals to the United States Court of Appeals for the Federal Circuit from the *Final Written Decision* entered on November 10, 2016 (Paper 33), the *Decision Denying Rehearing* entered on January 27, 2017 (Paper 35) and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,061,598 (“the ‘598 Patent”) including the *Decision - Institution of Covered Business Method Patent Review* entered on November 16, 2015 (Paper 8).

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 the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or other related issues:

- Whether the Board erred in finding that claims 3-6, 8-14, 16-25, 27-30, and 32-41 of the ‘598 Patent are unpatentable under 35 U.S.C. § 101;
- Whether the Board erred in denying Patent Owner’s Motion to Exclude (Paper 26); and
- Whether the Board erred in finding that the subject matter of the ‘598 Patent is directed to activities that are financial in nature and in instituting Covered Business Method review of the ‘598 Patent.

Copies of this Notice of Appeal are being filed simultaneously with the Director, the Patent Trial and Appeal Board, and the Clerk of the United States Court of Appeals for the Federal Circuit.

Any required fees may be charged to Deposit Account No. 501860.

Dated March 27, 2016

/ Michael R. Casey /

Michael R. Casey
Registration No. 40,294
Davidson Berquist Jackson & Gowdey, LLP
8300 Greensboro Drive
Suite 500
McLean, VA 22102
Telephone: (571) 765-7705
Fax: (571) 765-7200
Email: mcasey@dbjg.com
Attorney for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this PATENT OWNER'S NOTICE OF APPEAL was filed with the Patent Trial and Appeal Board using the E2E System and was served, by agreement of the parties, by emailing copies to counsel for the Petitioner as follows:

Gabrielle E. Higgins (gabrielle.higgins@ropesgray.com)
James R. Batchelder (james.batchelder@ropesgray.com)
ApplePTABService-SmartFlash@ropesgray.com

The undersigned hereby further certifies that on March 27, 2017 this PATENT OWNER'S NOTICE OF APPEAL (and its three attached decisions) were filed with the Federal Circuit via CM/ECF (along with one courtesy copy by hand delivery) and two (2) copies were served on the U.S. Patent and Trademark Office via in-hand delivery as follows:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulaney Street
Alexandria, VA 22314-5793

Dated: March 27, 2017

/ Michael R. Casey /

Michael R. Casey
Registration No. 40,294
Davidson Berquist Jackson & Gowdey, LLP
8300 Greensboro Drive
Suite 500
McLean, VA 22102
Telephone: (571) 765-7705
Fax: (571) 765-7200
Email: mcasey@dbjg.com
Attorney for Patent Owner

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

Case CBM2015-00131
Patent 8,061,598 B2

Before JENNIFER S. BISK, RAMA G. ELLURU,
JEREMY M. PLENZLER, and GREGG I. ANDERSON
Administrative Patent Judges.

PLENZLER, *Administrative Patent Judge.*

DECISION
Denying Patent Owner's Request for Rehearing
37 C.F.R. § 42.71

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.