

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

NUCURRENT, INC.,
Patent Owner

Case IPR2019-00859
U.S. Patent No. 9,300,046

**PATENT OWNER'S NOTICE OF APPEAL OF
FINAL WRITTEN DECISION**

via PTAB E2E
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®
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

INTRODUCTION

NuCurrent, Inc.’s (“Patent Owner”) appeal stems from the Patent Trial and Appeal Board’s Final Written Decision (Paper 85, “Final Written Decision”) in the above-captioned *inter partes* review of United States Patent No. 9,300,046 (“the ’046 patent”).¹ This notice is timely filed within 63 days of the Final Written Decision, which issued on February 4, 2021. 37 C.F.R. § 90.3(a)(1).

PATENT OWNER’S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision.

PATENT OWNER’S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner’s issues on appeal include at least: (i) the Board’s finding that claims 1 and 5-7 of the ’046 patent are unpatentable over Lee under 35 U.S.C. § 102; (ii) the Board’s finding that claims 5-7 of the ’046 patent are unpatentable over the combination of Lee and Hu under 35 U.S.C. § 103; (iii) the Board’s finding that claims 1, 6, and 7 of the ’046 patent are unpatentable over the combination of Lee and Aldred under 35

¹ A public version of the Final Written Decision issued as Paper 88 on February 23, 2021.

U.S.C. § 103(a); (iv) the Board's finding that claim 5 of the '046 patent is unpatentable over the combination of Lee, Aldred, and Hu under 35 U.S.C. § 103(a); (v) the Board's denial of proposed substitute claims 35-39; and (vi) any finding or determination supporting or related to the aforementioned issues, including claim constructions, as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, phone conference decision, and/or opinion.

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

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jonathan Tuminaro/

Jonathan Tuminaro
Registration No. 61,327
Attorney for Patent Owner

Date: April 8, 2021
1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

CERTIFICATION OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** is being filed by U.S.P.S. Priority Mail Express® with the Director on April 8, 2021 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 **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** 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 April 8, 2021.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jonathan Tuminaro/

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** was served electronically via e-mail on April 8, 2021, in its entirety on the following counsel for Petitioner:

Naveen Modi (Lead Counsel)
Joseph E. Palys (Back-up Counsel)
Chetan R. Bansal (Back-up Counsel)
Howard Herr (Back-up Counsel)
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