

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.

Petitioner,

v.

ACHATES REFERENCE PUBLISHING, INC.

Patent Owner.

Case No.: IPR2013-00081

Patent 5,982,889

Before HOWARD B. BLANKENSHIP, JUSTIN T. ARBES, AND THOMAS L.
GIANNETTI, *Administrative Patent Judges*.

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141-144 and 319 and in accordance with 37 C.F.R. § 90.2(a) and 90.3, the Patent Owner Achates Reference Publishing, Inc. (“Achates”) 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 on June 2, 2014 (Paper 80) (the “Final Written Decision”), and from all underlying findings, determinations, rulings, opinions, orders, decisions, including without limitation the Decision on Institution of Inter Partes Review entered on June 3, 2013 (Paper 21) regarding Achates’ U.S. Patent No. 5,892,889.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Achates expects that the issues on appeal might include the following, as well as any underlying findings, determinations, rulings, opinions, orders, decisions, or other related issues:

- The Board’s determination of the unpatentability of claims 1-4 of U.S. Patent 5,892,889 (“the ‘889 patent”), under 35 U.S.C. §§ 102 and 103, and any finding or determination (factual or legal) supporting or related to that determination.

- The Board's determination that this IPR is not barred by 35 U.S.C. § 315(b), and any other finding or determination (legal or factual) supporting or related to this determination.
- The Board's failure to terminate this IPR after institution under 35 U.S.C. § 315(b), and any other finding or determination (legal or factual) supporting or related to this failure.
- The Board's decisions to deny Achates' motions for additional discovery related to the issue of privity under 35 U.S.C. § 315(b), and any other finding or determination (legal or factual) supporting or related to this failure.
- The Board's decision to deny Achates' motion to exclude evidence, and any other finding or determination (legal or factual) supporting or related to this decision.
- The Board's decisions to expunge relevant evidence from the record, and any other finding or determination (legal or factual) supporting or related to this decision.

- The Board's decision to grant the Petitioner's motion for discovery of additional discovery, and any other finding or determination (legal or factual) supporting or related to this decision.

Achates reserves the right to challenge any finding or determination supporting or related to the issues listed above and to challenge and other issues decided adversely to Achates in the Board's Final Written Decision and/or any orders, decisions or rulings underlying the Final Written Decision.

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

Respectfully submitted,
Kaplan, Breyer, Schwarz, and Ottesen, LLP

/Jason Paul DeMont/
Jason Paul DeMont
Reg. No. 35,793
Attorney for Patent Owner

Dated: 30 August 2014

Certificate of Filing

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's PRPS System, the original version of this Notice of Appeal was filed via Express Mail on this 30th day of July 2014, with the Director of the United States Patent and Trademark Office, at the following address:

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

Certificate of Filing

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was filed with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit, via Express Mail on this 30th day of July 2014, at the following address:

Clerk of Court
US Court of Appeals
for the Federal Circuit
717 Madison Place NW
Washington, DC 20005

Certificate of Service

I hereby certify that on this 30th day of July 2014, a copy of this Notice of Appeal has been served in its entirety by agreed-upon e-mail on the following counsel of record for the Patent Owner:

Jeffrey P. Kushan, Esquire
Sidley Austin LLP
1500 K. Street, N.S
Washington, DC 20005
jkushan@sidley.com

Dated: 30 July 2014
Respectfully submitted,

/Brad D. Pedersen/
Brad D. Pedersen
Reg. No. 32,432
Attorney for Patent Owner