

Filed: February 11, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC, ZTE (USA), INC., SAMSUNG ELECTRONICS CO., LTD., LG  
ELECTRONICS INC., HUAWEI DEVICE USA, INC., HUAWEI DEVICE CO.  
LTD., HUAWEI TECHNOLOGIES CO. LTD., HUAWEI DEVICE  
(DONGGUAN) CO. LTD., HUAWEI INVESTMENT & HOLDING CO. LTD.,  
HUAWEI TECH. INVESTMENT CO. LTD., and HUAWEI DEVICE (HONG  
KONG) CO. LTD.,  
Petitioner,

v.

CYWEE GROUP LTD.  
Patent Owner

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Case IPR2018-01258

Patent No. 8,441,438 B2

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**PATENT OWNER AMENDED NOTICE OF APPEAL**

Patent Owner CyWee Group, Ltd. (“CyWee”) hereby gives notice to the Patent Trial and Appeal Board (“the Board”) and the Director of the Patent and Trademark Office, pursuant to the Court of Appeals for the Federal Circuit’s Order of Jan 28, 2022, (Dkt. 113) in joint appeal 2020-1565 and 2020-1567, and 35 U.S.C. §§ 141, 142, and 319, and 37 C.F.R. § 90.2(a), of CyWee’s appeal to the Court of Appeals for the Federal Circuit from a Final Written Decision in *GOOGLE LLC, et al. v. CyWee Group Ltd.*, IPR2018-01258, dated January 9, 2020 (which was the subject of the Original Notice of Appeal filed on March 6, 2020), an Order by Andrew Hirshfeld, Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office entered on January 7, 2022, denying review of the Final Written Decision, and from all underlying orders, decisions, rulings, and opinions in this inter partes review concerning U.S. Patent No. 8,441,438 (“the ’438 Patent”). A copy of the January 7, 2022, Order denying review is attached as Exhibit 1. A copy of the February 17, 2021, Final Written Decision is attached as Exhibit 2.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), CyWee further indicates that the issues on appeal include, but are not limited to, whether the January 7, 2022, Order denying review violated the Federal Vacancies Reform Act, the Appointments

Clause, the Due Process Clause, separation of powers, the deadlines imposed under 35 U.S.C. § 316(a)(11), or the Supreme Court's mandate in *United States v. Arthrex, Inc.*, 141 S. Ct. 1970 (2021).

A copy of this Amended Notice of Appeal is being filed electronically with the Board via PT AB E2E and with the Clerk's Office for the Federal Circuit via ECF.

Respectfully submitted,

Dated: February 11, 2022

/Jay P. Kesan/  
Jay P. Kesan  
Reg. No. 37,488

*Counsel for Patent Owner  
Cywee Group Ltd.*

**Certificate of Service**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the date indicated below, a complete and entire copy of this submission, including the attachments hereto, was provided to Petitioners' counsel via email, as agreed to by Petitioners' Service Information in the Petition submissions, by serving the email addresses of record as follows:

Dated: February 11, 2022

*/Jay P. Kesan/* \_\_\_\_\_

Jay P. Kesan  
Reg. No. 37,488

*Counsel for Patent Owner  
Cywee Group Ltd.*