

UNITED STATES PATENT AND TRADEMARK OFFICE

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

SAMSUNG ELECTRONICS CO. LTD.;  
SAMSUNG ELECTRONICS AMERICA, INC.  
PETITIONERS

v.

ADVANCED TOUCHSCREEN AND  
GESTURE TECHNOLOGIES, LLC.  
PATENT OWNER

---

Case: IPR2016-00653

U.S. Patent No. 8,717,303 B2

---

**PATENT OWNER'S NOTICE OF APPEAL**

**MAIL Stop "PATENT BOARD"**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §§ 141 and 142, Patent Owner Advanced Touchscreen and Gestures Technologies, LLC (“Advanced Touchscreen”), hereby appeals to the United States Court of Appeals for the Federal Circuit (“CAFC”) from the Final Written Decision (“FWD”) in this *inter partes* review (“IPR”) dated August 29, 2017 and from all orders, decisions, rulings, and opinions underlying or supporting the Final Written Decision. A copy of the Final Written Decision is attached.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), issues on appeal may include, but are not limited to: the United States Patent and Trademark Office’s (“USPTO”) Patent Trial and Appeal Board’s (PTAB) determination that claims 20, 33, 35, and 36 of United States Patent No. 8,717,303 (“the ‘303 Patent”) have been shown by a preponderance of the evidence to be unpatentable; the PTAB’s construction of terms and phrases appearing in those claims, including the terms “finger flick,” “recognized,” and “derived from”; the PTAB’s denial of Patent Owner’s request to exclude certain evidence based on Patent Owner’s List of New Matter Submitted with Petitioners’ Reply; the PTAB’s consideration and evaluation of the expert testimony, prior art,

and other evidence of record; and any PTAB finding or determination supporting or relating to such determinations of unpatentability, including but not limited to claim construction issues, obviousness issues, PTAB findings that conflict with the evidence of record and are not supported by substantial evidence, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings and/or opinions. The issues on appeal may also include the constitutionality of the *inter partes* review proceeding as raised in *Oil States Energy Services v. Greene's Energy Group, et al.*, Case No. 16-712 (2017) that the PTAB's findings in this proceeding and this proceeding itself violate due process.

Patent Owner reserves the right to challenge any finding or determination supporting or relating to the issues listed above and to challenge any other issues decided adversely to Patent Owner by the PTAB in this proceeding.

This document is being filed both electronically with the PTAB and by Express Mail with the Office of the General Counsel. In addition, this document, along with the required fee, is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit in accordance with Federal Circuit Rule 15.

Dated: September 6, 2017

/s/ Cyrus A. Morton

Cyrus A. Morton  
Registration No. 44,954  
Robins Kaplan LLP  
2800 LaSalle Plaza, 800 LaSalle  
Ave  
Minneapolis, MN 55402  
Telephone: 612-349-8722  
Facsimile: 612-339-4181  
CMorton@RobinsKaplan.com  
*Counsel for Patent Owner*

**CERTIFICATE OF FILING**

I hereby certify that on September 6, 2017, the foregoing PATENT OWNER'S NOTICE OF APPEAL was electronically filed with the United States Patent and Trademark Office through the Patent Trial and Appeal Board's E2E Filing System. In addition, the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed by Express Mail on September 6, 2017, with the Director of the United States Patent and Trademark Office, at the following address:

Office of the Solicitor  
United States Patent and Trademark Office, Stop 8  
P.O. Box 1450  
Alexandria, VA 22313-1450

I further certify that the foregoing document and the associated filing fee were filed on September 6, 2017, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the CAFC's CM/ECF Filing System.

Dated: September 6, 2017

/s/Cyrus A. Morton

Cyrus A. Morton

*Lead Counsel for Patent Owner*

**CERTIFICATE OF SERVICE**

Petitioners have consented to e-mail service in this proceeding.

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on September 6, 2017, a copy of the foregoing document was served by email upon the following:

Gabrielle E. Higgins  
Gabrielle.Higgins@RopesGray.com

James L. Davis, Jr.  
James.L.Davis@RopesGray.com

TouchscreenSamsungPTABService@RopesGray.com

*/s/ Cyrus A. Morton*

---

Cyrus A. Morton  
Registration No. 44,954  
Robins Kaplan LLP  
2800 LaSalle Plaza, 800 LaSalle  
Ave  
Minneapolis, MN 55402  
Telephone: 612-349-8722  
Facsimile: 612-339-4181  
CMorton@RobinsKaplan.com  
*Lead Counsel for Patent Owner*