

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

PAPST LICENSING GMBH & CO., KG
Patent Owner

Inter Partes Review No. IPR2016-01733

U.S. Patent No. 9,189,437 B2

**PATENT OWNER'S NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Papst Licensing GmbH & Co. KG ("Papst") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's ("PTAB") Final Written Decision in Case No. IPR2016-01733 entered February 2, 2018 ("Final Written Decision"), and from all underlying orders, decisions, rulings, and opinions which adversely affected Papst.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Papst further indicates that the issues on appeal include, but are not limited to, the Board's determination of unpatentability of claims 1–38 and 43–45 of U.S. Patent No. 9,189,437 ("the '437 patent") under 35 U.S.C. § 103; the Board's claim construction determinations; the Board's application of its construction to the facts of record; the Board's consideration of the record evidence, including but not limited to expert testimony; the constitutionality of *inter partes* review proceedings by allowing for private property rights to be extinguished through an adversarial process in the Patent and Trademark Office, a non-Article III forum, without a jury (*see Oil States Energy Services LLC v. Greene's Energy Group, LLC*, 639 F.App'x 639 (Fed. Cir. 2016), *cert. granted in part*, 2017 U.S. LEXIS 3727 (June 12, 2017)), and all findings or determinations

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supporting or related to those issues, as well as any other issues decided adversely to Papst in any orders, decisions, rulings and opinions.

Pursuant to 37 C.F.R. § 90.2(a)(1) and (a)(2), and as reflected in the attached Certificate of Service, this Notice of Appeal is being electronically filed with the Patent Trial and Appeal Board through the PRPS System and the United States Court of Appeals for the Federal Circuit through the CM/ECF System along with the requisite filing fee. A copy is also being served on the Office of the General Counsel at the U.S. Patent and Trademark Office.

Respectfully Submitted,

Dated: April 5, 2018

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CERTIFICATE OF FILING AND SERVICE

The undersigned certifies in accordance with 37 C.F.R. § 42.6(e) that on April 5, 2018, a copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT** was served via email on the Petitioners at:

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and via U.S. Mail at the address of record for lead counsel at:

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I also certify that in addition to being filed electronically with the Board through its PRPS System, the original of the foregoing Notice of Appeal is being served, pursuant to 37 C.F.R. § 104.2, by hand on April 5, 2018 to the United States Patent and Trademark Office at the following address: Office of the General Counsel, 10B20, Madison Building East, 600 Dulany Street, Alexandria, Virginia.

I further certify that a copy of the foregoing Notice of Appeal was filed via CM/ECF on April 5, 2018, with the United States Court of Appeals for the Federal Circuit.

Dated: April 5, 2018

By: /s/ Susan Langworthy/
Susan Langworthy