

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

REALTIME DATA LLC D/B/A/ IXO,
Patent Owner.

Case IPR2016-01739
Patent 8,880,862 B2

**PATENT OWNER REALTIME DATA LLC D/B/A IXO'S
NOTICE OF APPEAL**

Case No. IPR2016-01739

Patent No. 8,880,862 B2

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Realtime Data LLC d/b/a IXO appeals under 35 U.S.C. § 141 to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on March 13, 2018 (Paper 31) and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,880,862 B2 (“the ’862 Patent”).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to, the following, as well as any underlying findings, determinations, ruling, decisions, opinions, or other related issues:

- Whether the Patent Trial and Appeal Board’s decisions regarding patentability, including, but not limited to, the finding that claims 5, 35-46, 97, 98, and 112 of the ’862 Patent are unpatentable, were “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; [or] . . . unsupported by substantial evidence . . .” 5 U.S.C. § 706(2)(A)-(E).
- Whether the Patent Trial and Appeal Board erred in its construction and/or interpretation of claim elements, including, but not limited to, “boot data list,” “non-accessed boot data,” and “encoder.”

Simultaneous with the electronic submission of this Notice of Appeal to the Patent Trial and Appeal Board, a copy of this Notice of Appeal is being filed with

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the United States Patent and Trademark Office by way of hand delivery to the Office
of General Counsel to:

Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, Virginia 22314

In addition, this Notice of Appeal is being electronically filed with the United States Court of Appeals for the Federal Circuit, along with the required docketing fee and a copy of the decision and order of the agency for which review is sought, consistent with Federal Circuit Rules 15(a)(1) and 25(b)(1).

Respectfully Submitted,

Date: April 13, 2018

/Joseph F. Edell/
Joseph F. Edell (Reg. No. 67,625)
Richard Z. Zhang (Reg. No. 73,397)
Fisch Sigler LLP
5301 Wisconsin Avenue NW
Fourth Floor
Washington, DC 20015
Phone: (202) 362-3524
Fax: (202) 362-3501
Email: Joe.Edell.IPR@fischllp.com
Email: Richard.Zhang.IPR@fischllp.com

Counsel for Patent Owner

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2018, a true and correct copy of the foregoing Patent Owner's Notice of Appeal is being served electronically to the Petitioner at the correspondence email address of record provided in the Petition as follows:

W. Karl Renner (Lead Counsel) IPR39521-0025IP3@fr.com

Respectfully Submitted,

Date: April 13, 2018

/Joseph F. Edell/
Joseph F. Edell (Reg. No. 67,625)
Fisch Sigler LLP
5301 Wisconsin Avenue NW
Fourth Floor
Washington, DC 20015
Phone: (202) 362-3524
Fax: (202) 362-3501
Email: Joe.Edell.IPR@fischllp.com