

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCT MOBILE (US) INC. & TCT MOBILE, INC.,

Petitioner,

v.

WIRELESS PROTOCOL INNOVATIONS, INC.,

Patent Owner.

Case IPR2016-01861

Patent 9,125,051

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141, 142, 319, and 37 C.F.R. §§ 90.2(a), 90.3, notice is hereby given that Patent Owner, WIRELESS PROTOCOL INNOVATIONS, INC. ("Patent Owner") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeals Board entered on March 22, 2018 in case IPR2016-01861, Paper 35, and from all underlying findings, orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal include, but are not limited to, the Board's application of its claim constructions and interpretations, determinations of unpatentability of claims 1, 2, 4, 5, 21-23, 25, and 26 of US Patent 9,125,051 B2 (the "'051 Patent") in view of Abi-Nassif, DOCSIS 1.1 and the alleged Patent Owner Admitted Prior Art (APA), alone or in combination with other references and the findings supporting those determinations, the constitutionality of *inter partes* review proceedings, *see Oil States Energy Services LLC v. Greene's Energy Group, LLC*, 639 F. App'x 639 (Fed. Cir. 2016), *cert. granted* (June 12, 2017) (No. 16-712), and any other issues decided adversely to Patent Owner in any orders decisions rulings or opinions issued in this proceeding.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal

and the required fee are being submitted to the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: April 16, 2018

Respectfully submitted,

/Michael C. Jones/

Michael C. Jones (Reg. No. 63,266)

/Robert H. Sloss/

Robert H. Sloss (Motion for Admission
Pro Hac Vice filed April 6, 2017)

Procopio, Cory, Hargreaves & Savitch
LLP

525 B Street, Suite 2200

San Diego, CA 92101

Telephone: (619) 238-1900

Facsimile: (619) 235-0398

Attorney for Patent Owner,
Wireless Protocol Innovations, Inc.

CERTIFICATE OF SERVICE

(37 C.F.R. §§ 42.6(e) and 42.105(a))

The undersigned hereby certifies that the above-captioned PATENT OWNER'S NOTICE OF APPEAL was served in its entirety on April 16, 2018, by filing this document through the Patent Trial and Appeal Board's E2E System and was filed with the Director of the United States Patent and Trademark Office c/o the Office of General Counsel via first-class mail to 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, VA 22313-1450

I hereby also certify that on April 16, 2018, a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF, with a courtesy paper copy to the clerk via Federal Express.

I hereby further certify that on April 16, 2018, a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL has been served in its entirety by delivering a copy via electronic mail upon following at:

Patent Owner's Notice of Appeal
IPR2016-01861

John D. Zele (Reg. No. 39,887)
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW
Washington, DC 20004-2541
Tel. (202) 739-5418
Fax (202) 739-3001
john.zele@morganlewis.com
TCT-WPI-IPRS@morganlewis.com

(Lead Counsel)

Jeremy D. Peterson (Reg. No.
52,115)
Bradford A. Cangro (Reg. No.
58,478)
Adam D. Brooke (Reg. No. 58,922)
Leeger Yu (Reg. No. 70,331)
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW
Washington, DC 20004-2541
Tel. (202) 739-5418
Fax (202) 739-3001
jeremy.peterson@morganlewis.com
bradford.cangro@morganlewis.com
adam.brooke@morganlewis.com
leeger.yu@morganlewis.com

(Back-up Counsel)

Date: April 16, 2018

Respectfully submitted,

/Michael C. Jones/

Michael C. Jones (Reg. No. 63,266)

/Robert H. Sloss/

Robert H. Sloss (Motion for Admission
Pro Hac Vice filed April 6, 2017)

Procopio, Cory, Hargreaves & Savitch LLP
525 B Street, Suite 2200
San Diego, CA 92101
Telephone: (619) 238-1900
Facsimile: (619) 235-0398

Attorney for Patent Owner,
Wireless Protocol Innovations, Inc.