

Paper No. _____
Date Filed: June 12, 2019

Filed on behalf of: Koninklijke Philips N.V.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION, and
MICROSOFT MOBILE INC.
Petitioners,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2018-00023
Patent 6,690,387

PATENT OWNER'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Koninklijke Philips N.V. (“Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141 and 142 from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on April 10, 2019 (Paper No. 33), and from all underlying orders, decisions, opinions and rulings adverse to Patent Owner.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to:

1. the Board’s determination that Petitioner has shown, by a preponderance of the evidence, that claims 1, 5-7, and 9 of U.S. Patent No. 6,690,387 (the ’387 patent) are unpatentable under 35 U.S.C. § 103 over Anwar and Narutaka,
2. the Board’s determination that Petitioner has shown, by a preponderance of the evidence, that claims 1, 5-7, and 9 of the ’387 patent are unpatentable under 35 U.S.C. § 103 over Anwar, Narutaka, and Westerman,

3. the Board's determination that Petitioner has shown, by a preponderance of the evidence, that claims 2, 3, 8, 11, and 12 of the '387 patent are unpatentable under 35 U.S.C. § 103 over Anwar, Narutaka, and Astala,
4. the Board's determination that Petitioner has shown, by a preponderance of the evidence, that claims 2, 3, 8, 11, and 12 of the '387 patent are unpatentable under 35 U.S.C. § 103 over Anwar, Narutaka, Astala, and Westerman,
5. the Board's determination that Petitioner has shown, by a preponderance of the evidence, that claims 4 and 10 of the '387 patent are unpatentable under 35 U.S.C. § 103 over Anwar, Narutaka, and Korhonen,
6. the Board's determination that Petitioner has shown, by a preponderance of the evidence, that claims 4 and 10 of the '387 patent are unpatentable under 35 U.S.C. § 103 over Anwar, Narutaka, Korhonen, and Westerman,
7. the unconstitutionality of retroactive application of *inter partes* review to the '387 patent, granted prior to the enactment of the America Invents Act,

8. the unconstitutionality of the Board's authority to issue, and issuance of, the Final Written Decision, and
9. the arbitrary and capricious nature of the rules and procedures that currently govern an *inter partes* review proceeding (and specification application of the same in this case),

along with any finding or determination, including, but not limited to, claim construction, supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, opinions and rulings.

A copy of this Notice of Appeal is being concurrently filed with the Board. In addition, three copies of this Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

June 12, 2019

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/Justin J. Oliver/
Justin J. Oliver
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Registration No. 44,986

CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being electronically filed with the Patent and Trial Board, the original version of the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on this 12th day of June, 2019, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF SERVICE

The undersigned certifies that 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 on this 12th day of June, 2019.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.105, the undersigned certifies that on this 12th day of June, 2019, a true and correct copy of the foregoing Patent

Owner's Notice of Appeal was served via email on the Petitioners at the following email addresses:

Petitioners Microsoft Corporation, and Microsoft Mobile Inc.	CMcCullough@perkinscoie.com CSCampbell@perkinscoie.com MSFT-806-IPRPerkinsService@perkinscoie.com
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Respectfully submitted,

June 12, 2019

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/Justin J. Oliver/
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