

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

QUALCOMM INC.,
Patent Owner

Case No. IPR2018-01252
Patent No. 8,683,362

PETITIONER'S NOTICE OF APPEAL
37 C.F.R. § 90.2(a)

Pursuant to 35 U.S.C. §§ 141(c) and 319, and 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner Apple Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2018-01252 entered January 22, 2020 (Paper 28) (“Final Written Decision”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions related thereto and included therein. This appeal is timely under 35 U.S.C. § 142, 37 C.F.R. § 90.3, and Rule 15(a)(1) of the Federal Rules of Appellate Procedure.

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

- (1) The Board’s decision that claims 1–6 and 8-20 of U.S. Patent No. 8,683,362 (Ex. 1001) were not shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 8,633,900 to Jin (Ex. 1005, “Jin”) in view of U.S. Publication No. 2007/0177803 to Elias (Ex. 1006, “Elias”);
- (2) The Board’s interpretation of the limitation “respond[s/ing] to a directional contact of moving the first card or the second card along a second direction that is different than the first direction on the touch-sensitive display screen by (i) identifying one of the first card or second card as being selected based on the directional contact along the second

direction, and (ii) dismissing the selected first card or second card from the touch-sensitive display screen in the second direction so that the corresponding first application or second application is [closed/exited]” (the “dismissing limitation”) in all claims under review, including the Board’s implicit construction of that limitation and its application to the prior art;

- (3) The Board’s decision not to consider certain arguments raised by Petitioner that the combination of Jin and Elias rendered the dismissing limitation obvious to a person of ordinary skill in the art;
- (4) The Board’s interpretation of the prior art;
- (5) The Board’s legal errors in undertaking the aforementioned obviousness analysis;
- (6) The Board’s findings that conflict with the evidence of record or are otherwise not supported by substantial evidence;
- (7) The Board’s failure to consider evidence of record fully and properly;
and
- (8) all other issues decided adversely to Petitioner in any orders, decisions, ruling and opinion underlying or supporting the Final Written Decision.

Per 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this notice is being filed with the Director of the U.S. Patent and Trademark Office, and a copy is also being

filed with the Board. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. 90.2(a)(2),
Petitioner is also sending a paper copy of this Notice of Appeal to the Clerk of the
U.S. Court of Appeals for the Federal Circuit, and paying the fee set forth in
Federal Circuit Rule 42.

Respectfully submitted,

Date: March 25, 2020

/W. Karl Renner/
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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on March 25, 2020, a complete and entire copy of this Petitioner's Notice of Appeal was provided via email to the Patent Owner by serving the correspondence address of record as follows:

Chad Walters
Eliot Williams
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Joseph Akalski
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I hereby certify that, in addition to being filed electronically through the Board's E2E System, the original version of the foregoing Notice of Appeal was filed by hand on March 25, 2020, 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
Madison Building East, 1 OB20
600 Dulany Street
Alexandria, VA 22314-5793

I hereby certify that on March 25, 2020, a true and correct copy of the foregoing Notice of Appeal, along with a copy of the Institution Decision, was

filed electronically with the Clerk's Office of the United States Court of Appeals
for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

Respectfully submitted,

Date: March 25, 2020

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