

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

QUALCOMM INCORPORATED,
Patent Owner

Case No. IPR2018-01460
Patent No. 9,024,418

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. IPR2018-01460 entered March 30, 2020 (Paper 50) (“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, 2, 8, 12, 13, and 16–19 of U.S. Patent No. 9,024,418 (Ex. 1001) were not shown to be unpatentable under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 8,618,607 to M. Rashed et al. (Ex. 1005, “Rashed”);
- (2) The Board’s decision that claims 1, 2, 8, 12, 13, and 16–19 were not shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over Rashed;
- (3) The Board’s decision that claims 4, 15, and 20 were not shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over Rashed in view of U.S. Patent No. 9,123,565 to L. Lu et al. (Ex. 1006, “Lu”);

- (4) The Board’s construction of the term “means for coupling the gate-directed local interconnect to the third gate layer” in claims 17–20 under review, including the Board’s interpretation of that construction and its application to the prior art;
- (5) The Board’s interpretation of the prior art;
- (6) The Board’s determination that Rashed and Lu are not prior art to claims 1, 2, 4, 8, 12, 13, 15–18, and 20;
- (7) The Board’s legal errors in undertaking the aforementioned anticipation and obviousness analyses;
- (8) The Board’s findings that conflict with the evidence of record or are otherwise not supported by substantial evidence;
- (9) The Board’s failure to consider evidence of record fully and properly;
and
- (10) 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: May 14, 2020

/Timothy W. Riffe/
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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on May 14, 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:

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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 May 14, 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
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Alexandria, VA 22314-5793

I hereby certify that on May 14, 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: May 14, 2020

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