

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

ZOMM, LLC,  
Patent Owner.

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Case IPR2019-00277  
U.S. Patent No. 8,351,895

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**[CORRECTED] NOTICE OF APPEAL**

Case IPR2019-00277  
U.S. Patent No. 8,351,895

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Zomm, LLC (“Patent Owner” or “Zomm”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board in Case No. IPR2019-00277, dated May 7, 2020 (Paper No. 24). 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 following:

1. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that Claims 7-11, 13-15 and 21-28 of U.S. Patent No. 8,351,895 (“the ’895 Patent”) are unpatentable.
2. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that Claims 7, 9, 11, 14, 15, 22, 25, 27, and 28 of the ’895 Patent are unpatentable under pre-AIA 35 U.S.C. § 103 in view of U.S. Patent No. 8,903,351 (“Berry-351”), U.S. Patent No. 7,973,657 (“Ayed”), and U.S. Patent No. 7,113,764 (“Jang”).
3. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that Claims 8, 13, 21, and 26 of the ’895 Patent are unpatentable under pre-AIA 35 U.S.C. § 103 in view of Berry-351, Ayed, U.S. Patent Publication No. 2008/0220718 (“Sakamoto”), and Jang.
4. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that Claims 10 and 23 of the ’895 Patent are unpatentable under pre-AIA 35 U.S.C. § 103 in view of Berry-351, Ayed, U.S. Patent Publication No. 2004/0046658 (“Turner”), and Jang.

5. Whether the PTAB erred in finding that Petitioner has shown by a preponderance of the evidence that Claim 24 of the '895 Patent are unpatentable under pre-AIA 35 U.S.C. § 103 in view of Berry-351, Ayed, U.S. Patent No. 5,650,770 ("Schlager"), and Jang.
6. Whether the PTAB made errors in construing the Claims of the '895 that led to the erroneous conclusions in its Final Written Decision.
7. Whether the PTAB made procedural errors that led to the erroneous conclusions in its Final Written Decision.
8. Whether the PTAB erred in failing to properly analyze Petitioner's obviousness grounds, including failing to properly analyze the combinations of (1) Berry-351, Ayed, and Jang; (2) Berry-351, Ayed, Sakamoto, and Jang; (3) Berry-351, Ayed, Turner, and Jang; and (4) Berry-351, Ayed, Schlager, and Jang.

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, 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,

Dated: July 16, 2020

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U.S. Patent No. 8,351,895

*Attorneys for Patent Owner Zomm, LLC*

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. 42.6(e)(1), the parties have agreed to accept service by electronic means. I hereby certify that on July 16, 2020, I caused a copy of the foregoing document to be served via electronic mail to the following addresses:

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