

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.

MPH TECHNOLOGIES OY,  
Patent Owner.

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Case IPR2019-00826  
U.S. Patent No. 9,838,362

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**PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN  
DECISION**

via PTAB E2E  
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®  
Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

via CM/ECF  
United States Court of Appeals for the Federal Circuit

## **INTRODUCTION**

Apple Inc.'s ("Petitioner") appeal stems from the Patent Trial and Appeal Board's Judgement Final Written Decision Determining No Challenged Claims Unpatentable 35 U.S.C. § 318(a) entered on November 4, 2020 (Paper 25, "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 9,838,362 ("the '362 Patent"). This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

## **PETITIONER'S APPEAL**

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 15(a)(1), Petitioner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 25).

## **PETITIONER'S ISSUES ON APPEAL**

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner's issues on appeal include at least (Paper 25): (i) the Board's holdings that claims 3, 5, 10, and 12-16 of the '362 Patent are not unpatentable as obvious; and (ii) any finding or determination supporting or related to the aforementioned issues, including claim constructions, as well as all other issues decided adversely to Petitioner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Petitioner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certification of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Daniel S. Block/

Daniel S. Block  
Registration No. 68,395  
Attorney for Petitioner

Date: January 6, 2021

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**CERTIFICATION OF FILING**

The undersigned certifies that, along with being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** is being filed by U.S.P.S. Priority Mail Express® with the Director on January 6, 2021 at the following address:

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

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on January 6, 2021.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Daniel S. Block/

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Attorney for Petitioner

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**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing **PETITIONER'S  
NOTICE OF APPEAL OF FINAL WRITTEN DECISION** was served  
electronically via e-mail on January 6, 2021 in its entirety on the following:

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