

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. And
GOOGLE LLC
Petitioner,

v.

IRON OAK TECHNOLOGIES, LLC,
Patent Owner.

IPR2018-01552¹
U.S. Patent No. 5,699,275

PATENT OWNER NOTICE OF APPEAL

¹ Google LLC, who filed a petition in IPR 2019-00110, has joined as a petitioner in this proceeding.

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner Iron Oak Technologies, LLC (“Iron Oak”) appeals to the United States Court of Appeals for the Federal Circuit all issues ripe for appeal from the Final Written Decision of the Patent Trial and Appeal Board (“PTAB”) entered on February 7, 2020 (Paper 29) in Case No. IPR20118-01552, and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), and without waiver or prejudice, Iron Oak anticipates that the issues on appeal may include, but are not limited to:

- I. The PTAB’s express and implicit construction of claim terms and phrases, lack of construction of claim terms or phrases, and its determination that the claim terms and phrases in U.S. Patent No. 5,699,275 (“the ‘275 patent”) were disclosed by the cited references.
- II. The PTAB’s determination that Petitioners Samsung Electronics Co., LTD (“Samsung”) and Google LLC (“Google”) have shown, by a preponderance of the evidence, that claim 1 of the ‘275 patent is determined to be unpatentable under 35 U.S.C. § 102 in light of JP Published Patent Application No. 1993-128022 (“Sugita”).
- III. The PTAB’s determination that Petitioners Samsung and Google have shown, by a preponderance of the evidence, that claim 1 of the ‘275 patent is determined to be unpatentable under 35 U.S.C. § 103 in light

of Australian Patent Application No. 77395/91, published May 12, 1991 (“Ballard”) in view of JP Published Patent Application No. 05-66937, published Mar. 19, 1993 (“Shimizu”).

- IV. The PTAB’s retroactive application of *inter partes* review to the ’275 Patent, which issued prior to the Leahy-Smith America Invents Act, Pub. L. No. 112–29, 125 Stat. 284 (2011) (effective September 16, 2012).
- V. Any findings or determinations relating to the foregoing issues, as well as all other issues decided adversely to Iron Oak in any orders, decisions, rulings, or opinions, and all other issues ripe for appeal.

Pursuant to 37 C.F.R. § 90.2(a), this Notice of Appeal is being filed with the Director of the United States Patent and Trademark Office as provided in 37 C.F.R. § 104.2; with the Patent Trial and Appeal Board as provided in 37 C.F.R. § 42.6(b); and with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit as provided in Fed. Cir. R. 15(a)(1) and 25(b)(1), along with payment of the required fee.

Date: April 10, 2020

Respectfully submitted,

By: /Al Deaver/
Albert B. Deaver, Jr.
Reg. No. 34,318

Lead Counsel for Patent Owner

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on April 10, 2020 I caused a true and correct copy of the foregoing Patent Owner's Notice of Appeal to be served via email, as previously agreed by the parties, on the following Counsel for Petitioner:

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The undersigned hereby also certifies that in addition to being filed and served electronically through the Board's E2E System, the foregoing document was filed

on April 10, 2020 with the Director of the United States Patent and Trademark Office

by way of UPS overnight delivery to:

Office of the General Counsel
U.S. Patent and Trademark Office
10B20, Madison Building East
600 Dulany Street
Alexandria, Virginia 22314

The undersigned hereby also certifies that the foregoing document was filed on April 10, 2020 with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the court's Case Management and Electronic Case Files (CM/ECF) system along with the requisite fee. As per Administrative Order 20-01 of March 20, 2020, of the Court of Appeals for the Federal Circuit, no paper copies of this document were served to the Court.

Date: April 10, 2020

Respectfully submitted,

By: /Al Deaver/
Albert B. Deaver, Jr.
Reg. No. 34,318
Lead Counsel for Patent Owner