UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 21-2275

Short Case Caption: Personalized Media Communications, LLC v. Apple Inc.

Filing Party/Entity: Plaintiff-Appellant Personalized Media Communications, LLC

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
USDC ED Texas	2:15-cv-01366	830 Patent Infringement

Relief sought on appeal: ☐ None/Not Applicable

Reversal or vacatur of the district court's final judgment of patent unenforceability.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

Entry of a judgment of patent unenforceability, with costs to defendant.

Briefly describe the judgment/order appealed from:

The district court's judgment holding that appellant's U.S. Patent No. 8,191,091 is unenforceable (D.I. 647).

Nature of judgment (select one): Date of judgment: 8/6/21

- ☑ Final Judgment, 28 USC § 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain) _____

Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☐ None/Not Applicable

No. 2020-1197, Personalized Media Communications, LLC v. Apple Inc.
No. 2020-1198, Personalized Media Communications, LLC v. Apple Inc.

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the district court's judgment that U.S. Patent 8,191,091 is unenforceable on the basis of prosecution laches must be reversed or vacated because it was based on errors of law, depended on findings of fact that were clearly erroneous, and/or constituted an abuse of discretion.

Have there been discussions with other parties relating to settlement of this case?

☑ Yes ☐ No

If "yes," when were the last such discussions?

☐ Before the case was filed below
☑ During the pendency of the case below
☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☑ Yes ☐ No

If they were mediated, by whom?

Judge David Folsom

Do you believe that this case may be amenable to mediation? ☐ Yes ☑ No

Explain.

The nature of the judgment is such that a negotiated resolution of the case is not possible.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 9/16/21 Signature: /s/ Kevin P. Martin

Name: Kevin P. Martin