



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

December 19, 2019

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2020-1271

Federal Circuit Short Title: KEYnetik, Inc. v. Samsung Electronics Co., Ltd.

Date of Docketing: December 19, 2019

Originating Tribunal: United States Patent and Trademark Office

Originating Case No.: IPR2018-00986

Appellant(s): KEYnetik, Inc.

A petition for review has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short title must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management Team at (202) 275-8055.

CERTIFIED LIST: The agency or arbitrator is directed to forward the certified list as promptly as possible but no later than 40 days from the date of this notice.

The following documents are due within 14-days of this notice:

- [Entry of Appearance](#). (Fed. Cir. R. 47.3.)
- [Certificate of Interest](#). (Fed. Cir. R. 47.4.)
- [Docketing Statement](#). Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 33.1 and the [Mediation Guidelines](#))
- [Statement Concerning Discrimination](#) in MSPB cases. (Fed. Cir. R. 15(c).)

PARTY FILING AND CONTACT INFORMATION: Each counsel representing a party must be a member of the court's bar and registered for the court's electronic filing system. Fed. Cir. R. 25(a). Attorneys whose contact information has changed should make all changes through their PACER service center profile.

Unrepresented parties must submit documents intended for filing to the court in paper. However, motions and letters may be emailed to prose@cafc.uscourts.gov or faxed to 202-275-9678. Unrepresented parties changing contact information must submit a letter or updated Entry of Appearance with the new contact information.

OFFICIAL CAPTION: The court's official caption is attached and reflects the lower tribunal's caption pursuant to Fed. R. App. P. 12(a), 15(a), and 21(a). Please review the caption carefully and promptly advise this court in writing of any improper or inaccurate designations.

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

By: T. Magruder, Deputy Clerk

Attachments:

- Official caption
- Paper Copies of General Information and Forms (to unrepresented parties only):
 - [General Information and Overview of a Case in the Federal Circuit](#)
 - [Entry of Appearance](#)
 - [Informal Brief](#)
 - [Motion and Affidavit for Leave to Proceed in Forma Pauperis](#) (only to filers owing the docketing fee)
 - [Supplemental in Forma Pauperis Form for Prisoners](#) (only to filers in a correctional institution)
 - [Statement Concerning Discrimination](#)

cc: United States Patent and Trademark Office

Official Caption

KEYNETIK, INC.,

Appellant

v.

SAMSUNG ELECTRONICS CO., LTD.,

Appellee

Short Caption

KEYnetik, Inc. v. Samsung Electronics Co., Ltd.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

KEYNETIK, INC.

Petitioner or Appellant,

v. PETITION FOR REVIEW

SAMSUNG ELECTRONICS CO., LTD

Respondent or Appellee.

KEYNETIK, INC.

(name all parties* bringing the petition or appeal)

hereby petition/appeal the court for review of the Final Written Order (Paper 38, IPR20018-00986) (describe the order or decision and include decision number) of the Patent Trial and Appeal Board

(name the agency, board, office or bureau) entered on November 6, 2019 (date).

The order or decision was received on November 6, 2019 (date).

Date: Dec 6, 2019

/s/ Marc W. Vander Tuig

(Signature of petitioner, appellant or attorney)

Marc W. Vander Tuig - Attorney for Appellant

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(Address, phone number and e-mail of petitioner, appellant or attorney)

* See Fed. R. App. P. 15 (a) (2) for permissible ways of identifying petitioners.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,

Petitioner,

v.

KEYNETIK, INC.,

Patent Owner

Case IPR 2018-00986

Patent No. 8,370,106 B2

Lynne E. Pettigrew, Irvin E. Branch, and Stacey G. White,
Administrative Patent Judges

PATENT OWNER'S NOTICE OF APPEAL

IPR2018-00986
Patent Owner's Notice of Appeal

Pursuant to 35 U.S.C. §§ 141-144 and 319, and 37 C.F.R. §§ 90.2 and 90.3, notice is hereby given that Patent Owner KEYnetik, Inc. appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered November 6, 2019 in IPR2018-00986 (Paper No. 28).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include but are not limited to:

- (1) the Board's failure to apply the broadest reasonable interpretation standard in construing claims 1-20 of U.S. Patent No. 8,370,106 B2 (the "106 Patent");
- (2) the Board's determination that Petitioner Samsung met its burden of proving by a preponderance of the evidence that claims 1-20 of the '106 Patent are unpatentable under 35 U.S.C. § 103;
- (3) any findings or determinations related to issue (2) as well as all other issues decided adversely to KEYnetik in any orders, decisions, rulings, and/or opinions;
- (4) the Board's improper application of the applicable legal standards and failure to articulate substantial evidence in support of its findings of motivation to combine and reasonable expectation of success;

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- (5) the Board's violation of KEYnetik's Due Process rights under U.S. Constitution Amendment V by failing to provide requisite notice and a full and fair opportunity to respond;
- (6) the Board exceeding its statutory authority, including by basing its Final Written Decision on facts and/or law other than those advanced in the Petition;
- (7) the Board's impermissible shifting of the burden to KEYnetik to show patentability in violation of 35 U.S.C. § 316(e), 5 U.S.C. § 556(d), and 37 C.F.R. § 42.20(c); and
- (8) the constitutionality of the Administrative Patent Judge panel under the Appointments Clause of the U.S. Constitution.

Pursuant to 37 C.F.R. § 90.3, this Notice of Appeal is timely, having been filed within 63 days after the date of the Final Written Decision.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), true and correct copies of this Notice of Appeal are being filed simultaneously with the Patent Trial and Appeal Board, the Clerk's Office for the United States Court of Appeals for the Federal Circuit, and the Director of the Patent and Trademark Office, along with the required docketing fee as described in the accompanying Certificate of Filing and Service.

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Patent Owner's Notice of Appeal

Dated: December 6, 2019

Respectfully submitted,

/Edward F. Behm, Jr./

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CERTIFICATE OF FILING AND SERVICE

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E system, a true and correct original version of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** is being filed by Express Mail on December 6, 2019 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), and Rule 52(a), (e), I hereby certify that a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** is being filed in the United States Court of Appeals for the Federal Circuit on this day, December 6, 2019, and that the filing fee is being paid electronically using CM/ECF.

I further certify that the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was served electronically via e-mail, as agreed to by counsel, on December 6, 2019, on the following counsel for Petitioner:

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Patent Owner's Notice of Appeal

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