

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALIVECOR, INC.,
Petitioner

v.

APPLE INC.,
Patent Owner

Case No. IPR2023-00950

U.S. Patent No. 10,076,257 B2

PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION

via USPS

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

via P-TACTS

Patent Trial and Appeal Board

Via CM/ECF

United States Court of Appeals for the Federal Circuit

Pursuant to 37 C.F.R. §§ 90.2 and 90.3 and to 35 U.S.C. §§ 141, 142, and 319, Petitioner AliveCor Inc. (“AliveCor”) hereby appeals to the U.S. Court of Appeals for the Federal Circuit from the Final Written Decision entered in IPR2023-00950 on December 23, 2024 (Paper 44), and from all underlying orders, decisions, rulings, and opinions that are adverse to AliveCor. Under 37 C.F.R. § 90.3, this notice is timely filed within 63 days of Director’s order denying AliveCor’s Petition for Director Review on March 25, 2025 (Paper 46).

For the limited purpose of providing the Director with the information required by 37 C.F.R. § 90.2(a)(3)(ii), AliveCor indicates that the issues on appeal include, but are not limited to, the following:

- The Board’s determination that claims 1–14 of U.S. Patent No. 10,076,257 are not unpatentable under 35 U.S.C. § 103 over Markel;
- The Board’s determination that claims 1–14 of U.S. Patent No. 10,076,257 are not unpatentable under 35 U.S.C. § 103 over Markel and in view of Nissilä;
- The Board’s determination that claims 12 and 13 of U.S. Patent No. 10,076,257 are not unpatentable under 35 U.S.C. § 103 over Markel in view of Nissilä and/or Righter;
- The Board’s decision not to construe “embedded in” and/or “bezel”;

- The Board’s construction of “a first pad that is embedded in a first portion of the enclosure, wherein an exterior surface of the enclosure comprises an exterior surface of the first portion, wherein the first pad is positioned underneath the exterior surface of the first portion”;
- All other issues decided adversely to AliveCor in any orders, decisions, findings, rulings, and opinions underlying or supporting the Final Written Decision, including but not limited to claim construction.

Simultaneously with this submission to the Director of the United States Patent and Trademark Office, AliveCor is filing a copy of this Notice of Appeal with the Patent Trial and Appeal Board and serving the same on Patent Owner Apple Inc. via P-TACTS. In addition, AliveCor is filing a copy of this Notice of Appeal with the Clerk of the United States Court of Appeals for the Federal Circuit via CM/ECF, accompanied by the required docketing fee.

Date: March 26, 2025

By: /Christopher TL Douglas /
Christopher TL Douglas

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 90.2(a)(1) and § 104.2, I hereby certify that on March 26, 2025, in addition to being filed electronically through the Board's P-TACTS System, the original version of the foregoing **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION**, along with a copy of the Final Written Decision, was served by USPS Certified Mail on March 26, 2025, to 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
P.O. Box 1450
Alexandria, VA 22313-1450

Date: March 26, 2025

By: / Christopher TL Douglas /

Christopher TL Douglas

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2025, a true and correct copy of the foregoing **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION**, along with a copy of the Final Written Decision, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF.

Date: March 26, 2025

By: / Christopher TL Douglas /

Christopher TL Douglas

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), 42.105, the undersigned hereby certifies that true and correct copies of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** was served via electronic mail to the following attorneys of record for Patent Owner:

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Date: March 26, 2025

By: / Christopher TL Douglas /

Christopher TL Douglas