IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION

Petitioners,

v.

PROXENSE, LLC

Patent Owner

IPR2024-00783 & IPR2025-00075

U.S. Patent No. 9,679,289 B1

PATENT OWNER'S NOTICE OF APPEAL

NOTICE OF APPEAL of the Final Written Decision of the Patent Trial and Appeal Board ("Board") issued on November 12, 2025, in IPR2024-00783 & IPR2025-00075 to the Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141(c) and 319 is hereby given pursuant to 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2 and 90.3.

As to provide sufficient information to allow the Director to determine whether to exercise the right to intervene pursuant to 35 U.S.C. § 143, as required by 37 C.F.R. 90.2(a)(3)(ii), and without waiving or forfeiting any issue for appeal, Patent Owner intends raising the following on appeal:

- Violation of the Administrative Procedure Act (APA) for failing to consider and address in the Final Written Decision all applicable evidence, including a prior claim construction by the District Court of related and identical terms timely made of record;
- Violation of 37 C.F.R. 42.100(b) for failing to consider and give appropriate weight to a prior claim construction determination by the District Court that was timely made of record;
- Violation of 37 C.F.R. 42.100(b) for failing to construe the claims using the same standard that would be used to construe the claims in a civil action by disregarding controlling Federal Circuit precedent, including but not limited to, *Rain Computing, Inc. v. Samsung Electronics America Co.*, 989

F.3d 1002 (Fed. Cir. 2021), *HTC CORP. v. IPCom GmbH & Co., KG*, 667 F. 3d 1270 (Fed. Cir. 2012); and *Aristocrat Techs. Austl. Pty Ltd. v. Int'l Game Tech.,* 521 F.3d 1328, 1333 (Fed.Cir. 2008), and the *Phillips* standard in favor of the Broadest Reasonable Interpretation as stated in MPEP § 2181;

- The Board's determination that the claims do not invoke Pre-AIA 35 U.S.C. § 112, ¶ 6; and
- The Board's determination that all challenged claims are unpatentble.

Pursuant to 35 U.S.C. § 142 and 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, and a copy of this Notice of Appeal is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal and the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Dated: December 22, 2025

Respectfully submitted by,

/s/ David L. Hecht
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CERTIFICATE OF SERVICE

The undersigned herby certifies that on December 22, 2025, Patent Owner's Notice of Appeal:

- Was filed and served electronically through Board's P-TACTS System;
- Was served by email to the Director of the United States Patent and Trademark Office at the following address: efileSO@uspto.gov;
- Was filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF; and
- Was served by e-mailing copies to the e-mail addresses provided by Petitioners in their respective Petitions.

Dated: December 22, 2025

Respectfully submitted by,

/s/ David L. Hecht

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