

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

THETA IP, LLC,
Patent Owner

IPR2024-00816
U.S. Patent No. 7,010,330

**PATENT OWNER THETA IP, LLC'S
NOTICE OF APPEAL**

By Electronic Filing
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By Electronic Mail
Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Email: efileSO@uspto.gov

By Electronic Filing
Circuit Executive and Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

To the Director of the United States Patent and Trademark Office:

Pursuant to 35 U.S.C. §§ 141(c), 142 and 319, and 37 C.F.R. §§ 90.2(a) and 90.3(a)-(b), Theta IP, LLC (“Theta” or “Patent Owner”) hereby gives notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (“Board”) Final Written Decision entered on November 24, 2025 (Paper No. 32) (“Final Written Decision”) and the Order Denying Director Review entered on April 20, 2026 (Paper No. 36), and from all underlying findings, determinations, rulings, opinions, orders, issues, and decisions regarding the inter partes review of U.S. Patent No. 7,010,330 (“the ’330 Patent”). A copy of the Final Written Decision is attached as Exhibit 1. A copy of the Order Denying Director

Review is attached as Exhibit 2.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner identifies that the issues on appeal include, but are not limited to: the Board's interpretation and construction of the claims; the Board's determination that Petitioner showed by a preponderance of the evidence that claims 1–7, 9–13, 16, 23, 25, 26, 28, and 29 of the '330 Patent are unpatentable; whether the Board satisfied its obligation to provide a reasoned analysis sufficient to permit appellate review; the Board's consideration and/or lack of consideration of the expert testimony, prior art, and other evidence and arguments in the record; the Board's factual findings, conclusions of law, or other determinations; any findings or determinations supporting or related to those issues; all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

The Board issued its Final Written Decision on November 24, 2025. Theta timely requested Director Review, which was denied via written order dated April 20, 2026. This notice is therefore timely filed within sixty-three (63) days of the resolution of all issues on Director Review in the proceeding. *See* 35 U.S.C. § 141; 37 C.F.R. § 42.75(e)(3); 37 C.F.R. §§ 90.3(b)(1); Fed. Cir. R. 15(a)(1). Patent Owner is concurrently filing this Notice of Appeal with the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit, along with the required fees.

Dated: April 20, 2026

/Aaron R. Hand /
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Lead Counsel for Patent Owner

CERTIFICATE OF FILING

I certify that the foregoing was filed electronically with the Board through the P-TACTS System, and a copy was sent electronically on April 20, 2026 to the Director of the United States Patent and Trademark Office, at the following e-mail address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Email: efileSO@uspto.gov

I further certify that a true and correct copy of the foregoing Notice of Appeal, along with the required filing fee, was filed electronically with the Court of Appeals for the Federal Circuit via CM/ECF on April 20, 2026.

/ Aaron R. Hand /

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Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Petitioner has consented to e-mail service in this proceeding. Pursuant to 37 C.F.R. §42.6, the undersigned certifies that on April 20, 2026, a copy of the foregoing document was served by email upon the following counsel at the below email addresses:

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