

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

EMPIRE TECHNOLOGY DEVELOPMENT LLC,
Patent Owner.

Case No. IPR2024-00896
U.S. Patent No. 8,798,120

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 28 U.S.C. § 1295(a)(4)(A) and 35 U.S.C. §§ 141(c), 142, and 319; 37 C.F.R. §§ 42.75(e)(3), 90.2(a) and 90.3(a); and Federal Rule of Appellate Procedure 4(a), Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 33) in Case No. IPR2024-00896, concerning U.S. Patent No. 8,798,120 (“the ’120 Patent”), dated December 9, 2025, by the Patent Trial and Appeal Board (“Board”), the Order on Patent Owner’s Request for Director Review of the Final Written Decision (Paper 35) in Case No. IPR2024-00896, concerning the ’120 Patent, dated March 25, 2026, by the Director of the U.S. Patent and Trademark Office, and all other underlying and related findings, orders, decisions, rulings, opinions, and determinations concerning the ’120 Patent.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal may include, but are not limited to, the following: (1) the Board’s determinations of any express or implied constructions for the claim terms at issue and applications of any such constructions to the prior art of record; (2) the Board’s determination of unpatentability of claims 25, 27, and 28 of the ’120 Patent under 35 U.S.C. § 103 in view of Li and Siam; (3) the Board’s determination of unpatentability of claims 25, 27, and 28 of the ’120 Patent under 35 U.S.C. § 103 in view of Li, Siam, and Cui-2003; (4) the Board’s determination of unpatentability of

claim 26 of the '120 Patent under 35 U.S.C. § 103 in view of Li, Siam, and Wu; (5) the Board's determination of unpatentability of claim 26 of the '120 Patent under 35 U.S.C. § 103 in view of Li, Siam, Wu, and Cui-2003; (6) the Board's legal errors in undertaking its obviousness analyses and application of the claim language to the prior art of record; (7) the Board's findings that conflict with the evidence of record and are not supported by substantial evidence; and (8) findings or determinations supporting or related to the aforementioned issues as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, phone conference decisions, and/or opinions.

Patent Owner reserves the right to challenge any finding or determination supporting or relating to the issues listed above and to challenge any other issues decided adversely to Patent Owner in the Final Written Decision and/or any orders, decisions or rulings underlying the Final Written Decision.

Pursuant to 37 C.F.R. § 90.3, this Notice of Appeal is timely filed within 63 days of entry of the Order on Patent Owner's Request for Director Review of the Final Written Decision dated March 25, 2026.

Per 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this notice is being filed with the Director of the U.S. Patent and Trademark Office, and a copy is also being filed with the Board. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. 90.2(a)(2), Patent Owner is also electronically filing this notice with the United States Court of

Appeals for the Federal Circuit through its CM/ECF System, together with the requisite filing fee.

Dated: May 7, 2026

Respectfully submitted,

/Nathaniel Browand/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that Patent Owner's Notice of Appeal was served on May 7, 2026, by filing it through the P-TACTS System, as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioners:

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Pursuant to 37 C.F.R. §§ 90.2(a)(1), I hereby certify that in addition to being filed electronically through the Board's P-TACTS System, this Patent Owner's Notice of Appeal is being provided to the Director of the U.S. Patent and Trademark Office on May 7, 2026, by electronically filing to the email address as follows:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
efileSO@uspto.gov

I hereby certify that on May 7, 2026, a true and correct copy of the foregoing Patent Owner's Notice of Appeal, along with a copy of the Final Written Decision and Order on Patent Owner's Request for Director Review of the Final Written Decision, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

Dated: May 7, 2026

Respectfully submitted,

/Nathaniel Browand/

Nathaniel Browand