

1 SEAN CUNNINGHAM (Bar No. 174931)  
 2 sean.cunningham@us.dlapiper.com  
 3 ERIN GIBSON (Bar No. 229305)  
 4 erin.gibson@us.dlapiper.com  
 5 ROBERT WILLIAMS (Bar No. 246990)  
 6 robert.williams@us.dlapiper.com  
 7 TIFFANY MILLER (Bar No. 246987)  
 8 tiffany.miller@us.dlapiper.com  
 9 PETER MAGGIORE (Bar No. 292534)  
 10 peter.maggiore@us.dlapiper.com  
 11 DLA PIPER LLP (US)  
 12 401 B Street, Suite 1700  
 13 San Diego, California 92101-4297  
 14 Tel: 619.699.2700  
 15 Fax: 619.699.2701

16 ROBERT BUERGI (Bar No. 242910)  
 17 robert.buergi@us.dlapiper.com  
 18 DLA PIPER LLP (US)  
 19 2000 University Avenue  
 20 East Palo Alto, California 94303-2215  
 21 Tel: 650.833.2000  
 22 Fax: 650.833.2001

23 Attorneys for Defendant APPLE INC.

24 UNITED STATES DISTRICT COURT  
 25 SOUTHERN DISTRICT OF CALIFORNIA

26 APPLE INC.,  
 27 Plaintiff,

28 v.

WI-LAN INC.,  
 Defendant.

CASE NO. 3:14-cv-02235-DMS-BLM  
 (lead case);  
 CASE NO. 3:14-cv-1507-DMS-BLM  
 (consolidated)

**DEFENDANT APPLE INC.'S NOTICE  
 OF APPEAL**

Dept.: 13A  
 Judge: Hon. Dana M. Sabraw  
 Magistrate Judge: Hon. Barbara L. Major

AND RELATED  
 COUNTERCLAIMS

1 NOTICE IS HEREBY GIVEN that Defendant Apple Inc. (“Apple”) appeals  
2 to the United States Court of Appeals for the Federal Circuit from the Final  
3 Judgment entered in this action on June 16, 2020 by the United States District  
4 Court for the Southern District of California (Docket No. 906) and all orders,  
5 rulings, or findings that are merged into or otherwise precede the Final Judgment in  
6 this action, including but not limited to:

- 7 • the Court’s June 15, 2020 Order Denying Apple Inc.’s Renewed Motion for  
8 Judgment as Matter of Law and/or Motion for New Trial (Docket No. 904);
- 9 • the January 24, 2020 Jury Verdict (Docket No. 845);
- 10 • the Court’s October 1, 2019 Order Granting in Part and Denying in Part  
11 Apple's Motion to Exclude the Testimony of Wi-LAN’s Experts (Docket No.  
12 714);
- 13 • the Court’s January 4, 2019 Order Denying Apple Inc.’s Renewed Motion  
14 for Judgment as Matter of Law (Docket No. 548);
- 15 • the August 1, 2018 Jury Verdict (Docket No. 490);
- 16 • the Court’s June 29, 2018 Order Granting in Part Wi-LAN’s Motion for  
17 Partial Summary Judgment (Docket No. 401);
- 18 • the Court’s May 24, 2018 Order Granting in Part and Denying in Part Wi-  
19 LAN’s Motion to Strike Expert Opinions (Docket No. 365);
- 20 • the Court’s March 2, 2018 Order Granting Wi-LAN’s Motion to Strike  
21 Apple’s Amended Invalidity Contentions (Docket No. 297); and
- 22 • the Court’s November 13, 2017 Order Construing Claims (Docket No. 203).

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A copy of the Final Judgment is attached as Exhibit 1 to this Notice of Appeal.

Dated: July 15, 2020

DLA PIPER LLP (US)

By /s/ Sean C. Cunningham

SEAN CUNNINGHAM  
ERIN GIBSON  
ROBERT WILLIAMS  
ROBERT BUERGI  
TIFFANY MILLER  
PETER MAGGIORE

Attorneys for Defendant  
APPLE INC.

# **EXHIBIT 1**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO**

WI-LAN INC.,

*Plaintiff,*

vs.

APPLE INC.,

*Defendant.*

No.: 3:14-cv-1507-DMS (BLM); (Lead  
Case No. 3:14-cv-2235-DMS-BLM)

DEMAND FOR JURY TRIAL

**FINAL JUDGMENT**

Department: 13A  
Judge: Hon. Dana M. Sabraw  
Magistrate Judge: Hon. Barbara L. Major

1 Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the Court enters  
2 judgment as follows:

3 1. Claims 9, 26, and 27 of U.S. Patent No. 8,457,145 (“the ’145 Patent”)  
4 and Claim 1 of U.S. Patent No. 8,537,757 (“the ’757 patent) are not invalid.

5 2. Apple has directly infringed claims 9, 26, and 27 of the ’145 Patent  
6 and claim 1 of the ’757 Patent for the products accused in this litigation, namely  
7 the iPhone 7, iPhone 7 Plus, iPhone 6s, iPhone 6s Plus, iPhone SE, iPhone 6, and  
8 iPhone 6 Plus (“Infringing Products”).

9 3. Damages in the amount of \$85.23 million (at a rate of \$0.45 per unit  
10 for 189.4 million units) are hereby awarded to Wi-LAN for Apple’s infringement  
11 of claims 9, 26, and 27 of the ’145 Patent and claim 1 of the ’757 Patent occurring  
12 through May 21, 2019 for the Infringing Products.

13 4. For Apple’s counterclaims and defenses as to the ’145 and ’757  
14 Patents, judgment is entered in favor of Wi-LAN.

15 5. All other claims, counterclaims, and defenses as to other previously  
16 asserted patents are dismissed with prejudice.

17 6. Wi-LAN is entitled to pre-judgment interest at the California statutory  
18 rate of seven percent per annum from September 25, 2014 through the entry of this  
19 judgment on June 16, 2020.

20 7. Pre-judgment interest in the amount of \$23.747 million is hereby  
21 awarded to Wi-LAN.

22 8. Wi-LAN is entitled to post judgment interest at the rate set forth in 28  
23 U.S.C. § 1961 as of this date judgment is entered until the date this judgment is  
24 satisfied.

25 9. Wi-LAN shall file its bill of costs<sup>1</sup> the later of (i) 60 days after entry  
26 of a mandate from the Federal Circuit, (ii) 60 days after termination of the appeal,

27 \_\_\_\_\_  
28 <sup>1</sup> To the extent that Wi-LAN determines that it will file a motion for attorney’s fees  
it shall be due at the same time as the bill of costs.

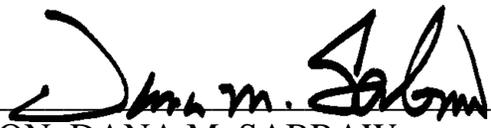
1 or (iii) 60 days after the time for filing an appeal has expired.

2 10. As to the iPhone 8, 8 Plus, X, Xs, Xs Max, and Xr sold by Apple  
3 through May 21, 2019, the parties are working on a separate stipulation and  
4 agreement to provide royalties consistent with this judgment and are reserving their  
5 respective rights.

6  
7 **ALL RELIEF NOT EXPRESSLY GRANTED HEREIN, OR RESERVED**  
8 **UNTIL FURTHER PROCEEDINGS, IS DENIED. THIS IS A FINAL**  
9 **JUDGMENT.**

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11 **IT IS SO ORDERED.**

12  
13 Dated: June 16, 2020

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15 HON. DANA M. SABRAW  
16 United States District Court Judge  
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