

Date: September 21, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE, INC., EVENTBRITE INC., STARWOOD HOTELS & RESORTS  
WORLDWIDE, INC., EXPEDIA, INC., FANDANGO, LLC,  
HOTELS.COM, L.P., HOTEL TONIGHT, INC., HOTWIRE, INC.,  
KAYAK SOFTWARE CORP., OPENTABLE, INC., ORBITZ, LLC, PAPA  
JOHN'S USA, INC., STUBHUB, INC., TICKETMASTER, LLC, LIVE  
NATION ENTERTAINMENT, INC., TRAVELOCITY.COM LP,  
WANDERSPOT LLC, AGILYSYS, INC., DOMINO'S PIZZA, INC.,  
DOMINO'S PIZZA, LLC, HILTON RESORTS CORPORATION,  
HILTON WORLDWIDE, INC., HILTON INTERNATIONAL CO., MOBO  
SYSTEMS, INC., PIZZA HUT OF AMERICA, INC., PIZZA HUT, INC.,  
and USABLENET, INC.,  
Petitioner

v.

AMERANTH, INC.  
Patent Owner

---

Case CBM2015-00080<sup>1</sup>  
U.S. Patent No. 6,384,850

---

**PATENT OWNER AMERANTH'S NOTICE OF APPEAL**

---

<sup>1</sup> CBM2015-00096 has been consolidated with this proceeding.

**PATENT OWNER AMERANTH'S NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Ameranth, Inc. (Patent Owner), hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case CBM2015-00080 and CBM2015-00096 that was entered on August 26, 2016 (Paper 44), and from all underlying findings, orders, decisions, rulings, and opinions in those Covered Business Method proceedings before the Patent Trial and Appeal Board.

Patent Owner further states, per 37 C.F.R. § 90.2(a)(3)(ii), that the issues presented on this appeal include, but are not limited to: The decision of the Patent Trial and Appeal Board in the underlying proceedings that claims 12-16 of U.S. Patent No. 6,384,850 B1 are unpatentable under 35 U.S.C. § 103, along with any appealable finding, conclusion, or determination related in any way to that decision, and any other appealable issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions in CBM2015-00080 and/or CBM2015-00096.

A copy of this Notice of Appeal is being concurrently filed with the Patent Trial and Appeal Board, and three copies of this Notice of Appeal, plus the required docketing fees, are being filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

September 21, 2016

Respectfully Submitted,

/John W. Osborne/

John W. Osborne

Lead Counsel for Patent Owner

USPTO Reg. No. 36,231

OSBORNE LAW LLC

33 Habitat Lane

Cortlandt Manor, NY 10567

josborne@osborneipl.com

Tel.: 914-714-5936

Fax: 914-734-7333

Michael D. Fabiano

Back-up Counsel for Patent Owner

USPTO Reg. No. 44,675

FABIANO LAW FIRM, P.C.

12526 High Bluff Drive, Suite 300

San Diego, CA 92130

mdfabiano@fabianolawfirm.com

Tel.: 619-742-9631

**CERTIFICATE OF FILING AND SERVICE**

I certify that true and correct copies of the foregoing PATENT OWNER AMERANTH'S NOTICE OF APPEAL were submitted, as set forth below, on September 21, 2016.

**1 copy, via hand delivery to:**

Director of the U.S. Patent and Trademark Office  
c/o Office of the General Counsel, United States Patent and Trademark Office  
Madison Building East, Room 10-B-20  
600 Dulany Street  
Alexandria, VA 22314

**1 copy, via hand delivery, plus filing fee, to:**

Clerk of Court, U.S. Court of Appeals for the Federal Circuit  
717 Madison Place, N.W.  
Washington, DC 20439

**1 copy, electronically via PTAB End-to-End System to:**

Patent Trial and Appeal Board, U.S. Patent and Trademark Office

**1 copy each, via email, per agreement of the parties, to:**

James M. Heintz DLA PIPER LLP (US) 11911 Freedom Drive, Suite 300 Reston, VA 20190-5602 <a href="mailto:jim.heintz@dlapiper.com">jim.heintz@dlapiper.com</a>	Robert C. Williams DLA PIPER LLP (US) 401 B Street, Suite 1700 San Diego, CA 92101 <a href="mailto:robert.williams@dlapiper.com">robert.williams@dlapiper.com</a>
Richard S. Zembek NORTON ROSE FULBRIGHT 1301 McKinney, Suite 5100 Houston, TX 77010 <a href="mailto:richard.zembek@nortonrosefulbright.com">richard.zembek@nortonrosefulbright.com</a>	Gilbert A. Greene NORTON ROSE FULBRIGHT 98 San Jacinto Boulevard, Suite 1100 Austin, TX 78701 <a href="mailto:bert.greene@nortonrosefulbright.com">bert.greene@nortonrosefulbright.com</a>

September 21, 2016

*/s/ Michael D. Fabiano /*

Michael D. Fabiano