

CBM2015-00099

CBM2016-00006

Date: September 21, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STARBUCKS CORP., APPLE, INC., EVENTBRITE, INC., and
STARWOOD HOTELS & RESORTS WORLDWIDE, INC.,
Petitioner

v.

AMERANTH, INC.
Patent Owner

Case CBM2015-00099¹
U.S. Patent No. 6,871,325

PATENT OWNER AMERANTH'S NOTICE OF APPEAL

¹ Case CBM2016-00006 has been joined 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 CBM2015-00099 and CBM2016-00006 that was entered on September 13, 2016 (Paper 38), 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 11-13 and 15 of U.S. Patent No. 6,871,325 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 CBM2015-00099 and/or CBM2016-00006.

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:

Bing Ai PERKINS COIE LLP 11988 El Camino Real, Suite 350 San Diego, CA 92130 Ai-ptab@perkinscoie.com	Patrick N. McKeever PERKINS COIE LLP 11988 El Camino Real, Suite 350 San Diego, CA 92130 PMcKeever@perkinscoie.com
Matthew C. Bernstein PERKINS COIE LLP 11988 El Camino Real, Suite 350 San Diego, CA 92130 MBernstein@perkinscoie.com	Yun L. Lu PERKINS COIE LLP 11988 El Camino Real, Suite 350 San Diego, CA 92130 LLu@perkinscoie.com
James M. Heintz DLA PIPER LLP (US) 11911 Freedom Drive, Suite 300 Reston, VA 20190-5602 jim.heintz@dlapiper.com	Robert C. Williams DLA PIPER LLP (US) 401 B Street, Suite 1700 San Diego, CA 92101 robert.williams@dlapiper.com

September 21, 2016

/s/ Michael D. Fabiano /

Michael D. Fabiano