

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAKO SURGICAL CORP.,
Petitioner

v.

BLUE BELT TECHNOLOGIES, INC.,
Patent Owner

IPR2015-00629

U.S. Patent No. 6,757,582

PATENT OWNER'S NOTICE OF CROSS-APPEAL

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2(a), Patent Owner Blue Belt Technologies, Inc. hereby provides notice that it cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered July 15, 2016 (Paper 24), and from all underlying findings, orders, decisions, rulings, and opinions, including, without limitation, the institution decision entered July 30, 2015 (Paper 6) (the “Institution Decision”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues for appeal include, but are not limited to: the Board’s determination that claims 1, 3, 5–9, 11, 13, 14, and 17 of U.S. Patent No. 6,757,582 B2 have been shown by a preponderance of the evidence to be unpatentable; the Board’s construction and interpretation of those claims; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s determinations in the Institution Decision; and the Board’s factual findings, conclusions of law, or other determinations supporting or relating to the above issues.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office. Simultaneous with this submission, a copy of this Notice is being filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice, along with the

required docketing fees, is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

DATED: September 15, 2016

By: /Brian M. Buroker/

Brian M. Buroker (Reg. No. 39,125)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539
bburoker@gibsondunn.com

Attorney for Patent Owner Blue Belt Technologies, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End system (PTAB E2E), the foregoing Notice of Cross-Appeal was filed by Express Mail on September 15, 2016, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned certifies that a copy of the foregoing Notice of Cross-Appeal, along with the required docket fee, was filed on September 15, 2016, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system.

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Notice of Cross-Appeal by electronic mail on September 15, 2016, on the counsel of record for Petitioner Mako Surgical Corp:

Mathew I. Kreeger, mkreeger@mofo.com

Walter Wu, ww@mofo.com

DATED: September 15, 2016

By: /Brian M. Buroker/
Brian M. Buroker (Reg. No. 39,125)
*Attorney for Patent Owner Blue Belt
Technologies, Inc.*