

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MAKO SURGICAL CORP.,  
Petitioner,

v.

BLUE BELT TECHNOLOGIES, INC.,  
Patent Owner.

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Case IPR2015-00629  
Patent No. 6,757,582 B2

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**PETITIONER MAKO SURGICAL CORP.'S  
NOTICE OF APPEAL**

via PRPS  
Patent Trial and Appeal Board

via Hand Carry  
Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

via CM/ECF  
United States Court of Appeals for the Federal Circuit

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a); and Federal Rules of Appellate Procedure/Federal Circuit Rule 15, Petitioner Mako Surgical Corp. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's Final Written Decision in the above captioned *inter partes* review of United States Patent No. 6,757,582 B2 ("the '582 patent") entered on July 15, 2016 (Paper 24) (the "Final Written Decision"), and from all orders, decisions, rulings, and opinions underlying the decision. This notice is timely filed within 63 days of the Board's Final Written Decision. 37 C.F.R. § 90.3(a)(1).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner notes that the issues on appeal will likely include, but are not limited to, whether the Board erred in finding that Petitioner failed to meet its burden of proving, by a preponderance of the evidence, that claims 16, 21-30, 34-42, 47, and 50-58 of the '582 patent are not unpatentable as anticipated by Russell H. Taylor, et al., *An Image-Directed Robotic System for Precise Orthopaedic Surgery*, 10(3) IEEE TRANSACTIONS ON ROBOTICS AND AUTOMATION, 261-75 (June 1994) ("Taylor") under 35 U.S.C. § 102(b); that claims 48 and 49 are not unpatentable for obviousness over the combination of Taylor and Scott L. Delp, et al., *An Interactive Graphics-Based Model of the Lower Extremity to Study Orthopaedic Surgical Procedures*, 37(8) IEEE TRANSACTIONS ON BIOMEDICAL ENGINEERING, 757-67 (Aug.

1990) (“Delp”) under 35 U.S.C. § 103(a); and any findings or determinations supporting or related to those issues.

Simultaneously with this submission, Petitioner is filing a true and correct copy of this Notice of Appeal with the Patent Trial and Appeal Board and true and correct copies of the same with the Clerk of the United States Court of Appeals for the Federal Circuit, along with the required filing fee, as set forth in the accompanying Certificates of Filing. Furthermore, a copy of this Notice of Appeal is being served on Patent Owner Blue Belt Technologies, Inc.

Dated: September 15, 2016

Respectfully submitted,

By: /s/ **Matthew I. Kreeger**

Matthew I. Kreeger

Registration No. 56,398

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*Attorney for Petitioner Mako Surgical Corp.*

**Certificate of Filing (37 C.F.R. § 90.2(a)(1))**

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS), a true and correct original version of the foregoing Petitioner Mako Surgical Corp.'s Notice of Appeal was filed by hand on this 15th day of September, 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  
Madison Building East, 10B20  
600 Dulany Street,  
Alexandria, Virginia

Dated: September 15, 2016

*/s/ Matthew I. Kreeger*  
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*Attorney for Petitioner Mako Surgical Corp.*

**Certificate of Filing (37 C.F.R. § 90.2(a)(2))**

Pursuant to 37 C.F.R. §§ 90.2(a)(2) and Federal Circuit Rules 15(a)(1), 25(a), (b), and 52(a), (e), I hereby certify that a true and correct copy of the foregoing Petitioner Mako Surgical Corp.'s Notice of Appeal, along with the required docket fee, was filed in the United States Court of Appeals for the Federal Circuit electronically via CM/ECF and by hand on this day, September 15, 2016, at the following address:

United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W.  
Washington, D.C. 20439

Dated: September 15, 2016

*/s/ Matthew I. Kreeger*  
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