

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAKO SURGICAL CORP.,
Petitioner

v.

BLUE BELT TECHNOLOGIES, INC. and
CARNEGIE MELLON UNIVERSITY,
Exclusive Licensee and Patent Owner.

IPR2015-00630
U.S. Patent No. 6,205,411 B1

NOTICE OF 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 Carnegie Mellon University and Exclusive Licensee Blue Belt Technologies, Inc. hereby provide notice that they appeal 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 August 1, 2016 (Paper 42), and from all underlying findings, orders, decisions, rulings, and opinions, including, without limitation, the institution decision entered August 4, 2015 (Paper 6) (the “Institution Decision”) and the Order on the Conduct of the Proceeding entered December 17, 2015 (Paper 13).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner and Exclusive Licensee state that the issues for appeal include, but are not limited to: the Board’s determination that claims 1–17 of U.S. Patent No. 6,205,411 B1 have been shown by a preponderance of the evidence to be unpatentable; the Board’s construction and interpretation of those claims; the Board’s denial of the contingent Motion to Amend; the Board’s allocation of the burdens of persuasion and/or production with respect to the contingent Motion to Amend; the Board’s interpretation of 35 U.S.C. § 312(a)(2); 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 30, 2016

By: /Brian M. Buroker/

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Attorney for Exclusive Licensee 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 Appeal was filed by Express Mail on September 30, 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 Appeal, along with the required docket fee, was filed on September 30, 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 Appeal by electronic mail on September 30, 2016, on the counsel of record for Petitioner Mako Surgical Corp:

Mathew I. Kreeger, mkreeger@mofo.com

Walter Wu, ww@mofo.com

DATED: September 30, 2016

By: /Brian M. Buroker/
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