

Filed on behalf of TQ Delta, LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK, L.L.C.,
Petitioner,
v.

TQ DELTA, LLC,
Patent Owner

Case IPR2016-01469
Patent No. 9,094,268

PATENT OWNER'S NOTICE OF APPEAL

Patent Owner's Notice of Appeal

IPR2016-01469

Patent No. 9,094,268

Pursuant to 35 U.S.C. §§ 141, 142, and 319, 37 C.F.R. §§ 90.2, 90.3, and 104.2, and Rule 4(a) of the Federal Rules of Appellate Procedure, Patent Owner TQ Delta, LLC (“Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 44) entered by the Patent Trial and Appeal Board on February 10, 2018, and all rulings leading up to that decision.

In particular, and in accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner identifies at least the following issues on appeal:

- The Board’s finding that Claims 1, 2, 11, and 12 of U.S. Patent No. 9,094,268 are unpatentable as obvious over Bowie, Morelli, and ANSI T1.413;
- The Board’s finding that Claims 4, 14, 16, and 18 of U.S. Patent No. 9,094,268 are unpatentable as obvious over Bowie and Morelli;
- The Board’s claim construction; and
- Any Board finding, determination, judgment, or order supporting or related to the aforementioned issues as well as all other issues decided adversely to Patent Owner in any orders, decisions, ruling, and opinions.

Patent Owner is concurrently filing a copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and the Patent Trial and

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Appeal Board, and a copy of the same, along with the required fees, with the United States Court of Appeals for the Federal Circuit.

Dated: April 9, 2018

Respectfully submitted,

/Peter J. McAndrews/

Peter J. McAndrews

Registration No. 38,547

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Lead Counsel for Patent Owner

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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **NOTICE OF APPEAL** is being filed by hand with the Director on April 9, 2018, at the following address:

Director of the U.S. Patent & Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned **NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on April 9, 2018.

Dated: April 9, 2018

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Patent Owner's Notice of Appeal** was served on April 9, 2018, via email to counsel for Petitioners at the following:

| Lead Counsel | Back-up Counsel |
|---|---|
| Heidi L. Keefe Cooley LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004 Tel: 650-843-5001 Fax: 650-849-7400 USPTO Reg. No. 40,673 hkeefe@cooley.com zpatdcdocketing@cooley.com | Stephen McBride ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004 Tel: 703-456-8000 Fax: 703-456-8100 smcbride@cooley.com Dish-TQDelta@cooley.com zpatdcdocketing@cooley.com Jennifer Volk ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004 Tel: 703-456-8000 Fax: 703-456-8100 USPTO Reg. No. 62,305 jvolkfortier@cooley.com |

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