

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner

v.

IMAGE PROCESSING TECHNOLOGIES LLC,
Patent Owner

CASE IPR2017-00353
Patent No. 8,983,134 B2

PATENT OWNER'S NOTICE OF APPEAL

PAPER NO. 38

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a)(1), that Patent Owner Image Processing Technologies LLC (“Patent Owner” or “Image Processing”) hereby timely appeals under 35 U.S.C. §§ 141, 142, and 319 to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on May 9, 2018 (Paper No. 37), and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Image Processing states that the issues for appeal include, but are not limited to: (i) whether the Board erred in finding that claims 1 and 2 of U.S. Patent No. 8,983,134 (the “134 patent”) are unpatentable; (ii) whether the *inter partes* review under appeal is unconstitutional under the Appointments Clause of the U.S. Constitution (Art. 2, Sect. 2, cl. 2) because the PTAB judges are principal officers that must be appointed by the President with the advice and consent of the Senate rather than by the Secretary of Commerce; (iii) whether the *inter partes* review procedure is unconstitutional as a violation of Image Processing’s due process rights.

A copy of the Final Written Decision is attached hereto.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, a copy is being electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit (via CM/ECF), along with the required docketing fee.

Furthermore, a copy of this Notice of Appeal is being served on Petitioners Samsung Electronics Co, Ltd. and Samsung Electronics America, Inc.

Dated: July 11, 2018

/s/ Chris J. Coulson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End System (PTAB E2E), the foregoing PATENT OWNER'S NOTICE OF APPEAL was served by Express Mail, tracking number EU877173551US, July 11, 2018, with the Director of the United States Patent and Trademark Office, at the following address:

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

In addition, the undersigned certifies that a copy of the foregoing Notice of Appeal, along with the required docket fee, was filed on July 11, 2018, with the Clerk's Office for the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system.

The undersigned certifies pursuant to 37 C.F.R. § 42.6(e) that a true copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL has been served in its entirety on July 11, 2018, by electronic mail on the Petitioners via its attorneys of record:

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