

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD., and  
SAMSUNG ELECTRONICS AMERICA, INC.

*Petitioner*

v.

IMAGE PROCESSING TECHNOLOGIES, LLC,

*Patent Owner*

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Case IPR2017-01218

Patent No. 8,983,134 B2

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**PATENT OWNER'S NOTICE OF APPEAL**

**PAPER NO. 43**

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 September 28, 2018 (Paper No. 40), and from all underlying orders, decisions, rulings, and opinions.<sup>1</sup>

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 claim 3 of U.S. Patent No. 8,983,134 B2 (the “’134 patent”) is unpatentable; (ii) whether the *inter partes* review under appeal is unconstitutional under because the PTAB judges have not been properly appointed under the Appointments Clause of the U.S. Constitution (Art. 2, Sect. 2, cl. 2); (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.

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<sup>1</sup> Petitioner Samsung filed a rehearing request (Paper No. 41) on October 26, 2018, which the Board denied on January 10, 2019 (Paper No. 42).

Case IPR2017-01218  
*Inter Partes* Review of Patent 8,983,134 B2  
Patent Owner's Notice of Appeal

Patent Owner is also filing a copy of this Notice of Appeal 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: January 11, 2019

/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 EH 823108444US, January 11, 2019, with the Director of the United States Patent and Trademark Office, at the following address:

Office of the General Counsel  
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 January 11, 2019, 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 on January 11, 2019, by electronic mail on the Petitioners via its attorneys of record:

Case IPR2017-01218  
*Inter Partes* Review of Patent 8,983,134 B2  
Patent Owner's Notice of Appeal

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