

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PANASONIC CORPORATION AND
PANASONIC CORPORATION OF NORTH AMERICA,
Petitioners,

v.

CELLSPIN SOFT, INC.,
Patent Owner.

Case IPR2019-00131¹
Patent No. 9,258,698 B2

PATENT OWNER'S NOTICE OF APPEAL

¹ GoPro, Inc., Garmin International, Inc. and Garmin USA, Inc. ('1108 Petitioners) were joined to this proceeding. See Paper 29, 30 (ordering that "the '1108 Petitioners are joined with IPR2019-00131").

Including pursuant to 35 U.S.C. §§ 141-44, 37 C.P.R. § 1.983, and 37 C.P.R. § 90.2(a), notice is hereby given that Patent Owner Cellspin Soft, Inc. (“Patent Owner”) appeals to the United States Court of Appeals for the Federal Circuit for review of the Patent Trial and Appeal Board’s (“Board”) Final Written Decision entered April 28, 2020 (Paper 59); and all preceding and underlying orders, decisions, rulings and opinions related thereto and included therein. A copy of the Final Written Decision is attached.

In accordance with 37 C.P.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal include, but are not limited to:

- the Board’s application and use of the broadest reasonable interpretation standard and claim constructions and/or non-constructions, including of “paired wireless connection”, “cryptographically authenticating,” “graphical user interface (GUI)” in a cellular phone, and/or “mobile software application”;
- the Board’s application of the claim terms to the alleged prior art;
- determinations in the institution that Claims 1–22 of U.S. Patent No 9,258,698 (the “698 patent”) were shown by a reasonable likelihood to be unpatentable;

- the Board's Final Written Decision, including the Board's determination that Claims 1–22 are unpatentable;
- the Board's deviation from the grounds in the petition;
- the Board's raising its own obviousness theories including concerning what appears to be a new obviousness theory;
- violation of due process and/or the Administrative Procedure Act;
- violation of the Appointments Clause, including with respect to all actions from institution through final decision;
- the Board's denial of Patent Owner's Motion to Strike and/or Motion to Exclude;
- retroactive application of inter partes review to Patent Owner's Patent;
- the Board's consideration and analysis of the expert testimony, prior art, and other evidence in the record;
- the Board's factual findings, conclusions of law, or other determinations supporting or relating to the above issues; and
- all other issues decided adversely to Patent Owner in any orders, decisions, rulings and opinions by the Board.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2(a) and 90.3(a), this Notice is being timely filed with the Director of the United States Patent and Trademark

Office within 63 days of the Board's Order, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board and the Clerk of the United States Court of Appeals for the Federal Circuit.

Dated: June 25, 2020

Respectfully submitted,

By: /s/ John J. Edmonds

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*Attorneys for Patent Owner Cellspin Soft,
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CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E, the foregoing Notice of Appeal was filed by Express Mail on June 25, 2020 with the Director of the United States Patent and Trademark Office, at the following address:

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

The undersigned certifies that a copy of the foregoing Notice of Appeal, along with the required docket fee, was filed on June 25, 2020 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 further certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Notice of Appeal, at least by electronic mail, on June 25, 2020 on the counsel of record for Petitioners:

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