

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MINDGEEK USA INC., MINDGEEK S.À.R.L.,
MG FREESITES LTD., MG FREESITES II LTD.,
MG CONTENT RK LTD., MG CONTENT DP LTD.,
MG CONTENT RT LTD., MG PREMIUM LTD.,
MG CONTENT SC LTD., MG CYPRUS LTD.,
LICENSING IP INTERNATIONAL S.À.R.L.,
9219-1568 QUÉBEC INC. d/b/a ENTREPRISE MINDGEEK CANADA, and
COLBETTE II LTD.,

Petitioners

v.

UNIVERSITY OF SOUTHERN CALIFORNIA
Patent Owner

Case IPR2019-00422
Patent No. 6,212,527

PETITIONERS' NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Priority Mail Express
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel

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

via CM/ECF
United States Court of Appeals for the Federal Circuit

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Petitioners MindGeek USA Inc., MindGeek S.À.R.L., MG Freesites Ltd., MG Freesites II Ltd., MG Content RK Ltd., MG Content DP Ltd., MG Content RT Ltd., MG Premium Ltd., MG Content SC Ltd., MG Cyprus Ltd., Licensing IP International S.À.R.L., 9219-1568 Québec Inc. d/b/a Entreprise MindGeek Canada, and Colbette II Ltd. (collectively, “Petitioners”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the Decision Denying Institution of *Inter Partes* Review of the Patent Trial and Appeal Board (“Board”) entered June 18, 2019 (Paper No. 9) as it relates to U.S. Patent No. 6,212,527 (“the ’527 patent”), and from all underlying findings, determinations, orders, decisions, rulings and opinions relating to that decision or the ’527 patent. A copy of the Board’s Decision Denying Institution of *Inter Partes* Review is attached hereto as Exhibit A.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioners further indicate that the expected issues on appeal include, but are not limited to, the following:

- The Board’s determination that this *inter partes* review or Petition (Paper No. 1) is time-barred by 35 U.S.C. § 315(b), and

any other finding or determination (legal or factual) supporting or related to this determination;

- The application of the statutory bar under 35 U.S.C. § 315(b) when the underlying complaint is filed by a non-patent owner, such as a licensee;
- The Board's decision to not institute the Petition (Paper No. 1);
- The Board's decision to not address *Sling TV, LLC v. Realtime Adaptive Streaming, LLC*, IPR 2018-01331, Paper No. 9 (Jan. 31, 2019) and related arguments in Petitioners' Reply (Paper No. 7), pp. 2-3; and
- The Board's decision to not address the factual and legal arguments in Petitioners' Reply (Paper No. 7).

along with any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Petitioners in any orders, decisions, opinions, and rulings.

A copy of this Notice of Appeal is being concurrently filed with the Board and Director of the United States Patent and Trademark Office. In addition, three copies of this Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Case IPR2019-00422

Patent No. 6,212,527

Dated: July 1, 2019

Respectfully submitted,

By: /Frank M. Gasparo/

Frank M. Gasparo

Registration No. 44,700

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Attorneys for Petitioners

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed with the Patent Trial and Appeal Board, the above-captioned Petitioners' Notice of Appeal is being filed by Priority Mail Express or equivalent on July 1, 2019, with the Director of the United States Patent and Trademark Office, at the following address (pursuant to 37 C.F.R. §§ 90.2(a), 104.2):

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

CERTIFICATE OF FILING

The undersigned certifies that a true and correct copy of the foregoing Petitioners' Notice of Appeal was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on July 1, 2019.

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned hereby certifies that a true and correct copy of Petitioners' Notice of Appeal was served in entirety on July 1, 2019, by electronic mail to Patent Owner's counsel of record as follows:

HARDY PARRISH YANG, LLP
Minghui Yang (myang@hpylegal.com)
R. Floyd Walker (fwalker@hpylegal.com)
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