

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YITALLC,
Petitioner

v.

MACNEIL IP LLC,
Patent Owner

Case IPR2020-01139
U.S. Patent No. 8,382,186

PETITIONER'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

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

INTRODUCTION

Yita LLC's ("Petitioner") appeal stems from the Patent Trial and Appeal Board's Final Written Decision Determining No Challenged Claims Unpatentable entered on January 3, 2022 (Paper 80, "Final Written Decision") in the above-captioned *inter partes* review ("IPR") of United States Patent No. 8,382,186 ("the '186 Patent"). This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

PETITIONER'S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a); and Federal Circuit Rule 15(a)(1), Petitioner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 80).

PETITIONER'S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further states that the issues on appeal include, but are not limited to: (i) the Board's finding that claims 1-7 of the '186 Patent were not unpatentable over Rabbe, Yung, and Gruenwald based on evidence of secondary considerations, Paper 80, 83; and (ii) any finding or determination supporting or related to the aforementioned issues, including claim constructions, as well as all other issues decided adversely to Petitioner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Petitioner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/R. Wilson Powers III/

R. Wilson Powers III, Reg. No. 63,504
Counsel for Petitioner

Date: January 14, 2022

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

CERTIFICATION OF FILING

The undersigned certifies that, along with being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL** is being filed by U.S.P.S. Priority Mail Express® with the Director on January 14, 2022, at:

Director of the United States Patent and 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 **PETITIONER'S 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 January 14, 2022.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/R. Wilson Powers III/

R. Wilson Powers III, Reg. No. 63,504
Counsel for Petitioner

Date: January 14, 2022

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S NOTICE OF APPEAL** was served electronically via e-mail on January 14, 2022, in its entirety on the following counsel for Patent Owner:

David G. Wille (Lead Counsel)
Chad C. Walters (Back-up Counsel)
Clarke W. Stavinoha (Back-up Counsel)
BAKER BOTTS L.L.P.
david.wille@bakerbotts.com
chad.walters@bakerbotts.com
clarke.stavinoha@bakerbotts.com

Jefferson Perkins (Back-up Counsel)
PERKINS IP LAW GROUP LLC
jperkins@perkinsip.com

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/R. Wilson Powers III/

R. Wilson Powers III, Reg. No. 63,504
Counsel for Petitioner

Date: January 14, 2022

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

17864059_1.DOCX