

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, LLC,
Petitioner

v.

ECOFACITOR, INC.,
Patent Owner

Case IPR2021-00054
Patent 10,534,382

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-90.3, Patent Owner Document Security Systems, Inc. appeals to the United States Court of Appeals for the Federal Circuit from: (1) the Final Written Decision of the Patent Trial and Appeal Board entered on April 18, 2022 (Paper 35), and from all underlying findings, determinations, orders, decisions, rulings and opinions regarding the *inter partes* review of U.S. Patent No. 10,534,382 (“the ’382 Patent”), including the DECISION Instituting *Inter Partes* Review entered on May 10, 2021 (Paper 9).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to, the following, as well as any underlying findings, determinations, orders, decisions, rulings, opinions, or other related issues:

Whether the Patent Trial and Appeal Board’s decision finding that claims 1-20 of the ’382 Patent are unpatentable was “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; ... in excess of statutory jurisdiction, authority or limitations, or ... without observance of procedure required by law; [or] unsupported by substantial evidence” 5 U.S.C. § 706(2)(A)-(E).

Simultaneous with the electronic submission of this Notice of Appeal to the Patent Trial and Appeal Board, a copy of this Notice of Appeal is being filed with

the United States Patent and Trademark Office by way of hand delivery to the Office
of General Counsel to:

Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, Virginia 22314

In addition, consistent with Federal Circuit Rules 15(a)(1) and 25(b)(1), this
Notice of Appeal, along with the required docketing fees and copies of the decisions
of the agency for which review is sought, are being filed electronically with the
United States Court of Appeals for the Federal Circuit, and one paper copy of the
Notice of Appeal is being provided to the Clerk's Office:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Room 401
Washington, DC 20439
Case IPR2020-00938
U.S. Patent No. 7,315,119

Any required fees to the United States Patent and Trademark Office may be
charged to the account on file.

Dated: June 21, 2022

Respectfully submitted,

/s/ Philip X. Wang

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IPR2021-00054
U.S. Patent No. 10,534,382

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC and ECOBEE, INC.,
Petitioners,

v.

ECOFACOR, INC.,
Patent Owner.

IPR2021-00054¹
Patent 10,534,382 B2

Before WESLEY B. DERRICK, JEFFREY W. ABRAHAM, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

¹ Ecobee, Inc., has been joined as a party to this proceeding. IPR2021-01052, Paper 7.

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