

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

CLUB CHAMPION LLC,  
Petitioner,

v.

TRUE SPEC GOLF LLC,  
Patent Owner.

Case No. IPR2019-01148  
Patent No. 8,046,899 B2

---

**PATENT OWNER'S AMENDED NOTICE OF APPEAL**

To the Director of the United States Patent and Trademark Office,

Under 35 U.S.C. §§ 141(c), 142, and 319, and 37 C.F.R. §§90.2–90.3, Patent Owner True Spec Golf LLC (“Patent Owner”) hereby amends its prior Notice of Appeal (Paper No. 88), filed on February 1, 2021, which noticed an appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”), entered on December 2, 2020 (Paper No. 87) in IPR2019-01148 regarding U.S. Patent No. 8,046,899 B2 (“the ’899 Patent”), and from all underlying orders, decisions, rulings, and opinions decided adversely to Patent Owner in the above-captioned proceeding.

With this amended notice of appeal, Patent Owner further appeals to the United States Court of Appeals for the Federal Circuit from the November 22, 2021 Order (Paper No. 93) denying Patent Owner’s request for Director review of the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the appeal will address all aspects of the Board’s decision decided adversely to Patent Owner, including without limitation whether the Board erred in construing the claim terms, whether the Board erred in concluding that Petitioner has demonstrated, by a preponderance of the evidence, that claims 1–3, 5, 15, 16, 19, of the ’899 Patent are unpatentable, and whether the Board erred in denying Patent Owner’s Revised Motion to Amend. In particular, but without limitation, this

appeal will address issues including whether claims 1–3, 5, 15, and, 19 are obvious under 35 U.S.C. § 103 over U.S. Pat. No. 6,890,269 (“Burrows”) and U.K. Pat. Appl. Pub. No. 325,677 (“Hartley”); and whether claim 16 is obvious under 35 U.S.C. § 103 over Burrows.

The issues on appeal further include whether the November 22, 2021 Order (Paper No. 93), issued by Commissioner for Patents, Andrew Hirshfeld, as the Official Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, comports with the Supreme Court’s decision in *United States v. Arthrex, Inc.*, 141 S. Ct. 1970 (2021), or the Federal Vacancies Reform Act of 1998, 5 U.S.C. §§ 3345-3349c.

Simultaneous with this submission, a copy of this Amended Notice of Appeal is being filed with the Board. In addition, the Amended Notice of Appeal is being filed electronically with the Clerk of Court for the United States Court of Appeals for the Federal Circuit in Case No. 2021-1612.

Date: January 24, 2022

Respectfully submitted,

Noah M. Leibowitz, admitted *pro hac vice*  
Gregory T. Chuebon, admitted *pro hac vice*  
DECHERT LLP  
Three Bryant Park  
1095 Avenue of the Americas  
New York, NY 10036-6797

/ Derek J. Brader /  
Derek J. Brader, reg no. 71,421  
Michael A. Fisher, reg no. 42,536  
Robert W. Ashbrook Jr., reg no. 52,572  
DECHERT LLP  
Cira Centre, 2929 Arch St.  
Philadelphia, PA 19104-2808  
Telephone: 215-994-2079

Telephone: 212-698-3538  
Email: noah.leibowitz@dechert.com  
Telephone: 212-698-3887  
Email: greg.chuebon@dechert.com

Email: michael.fisher@dechert.com  
Telephone: 215-994-2437  
Email: derek.brader@dechert.com  
Telephone: 215-994-2215  
Email: robert.ashbrook@dechert.com

*Counsel for Patent Owner True Spec Golf  
LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End (PTAB E2E) system, the foregoing Patent Owner’s Notice of Appeal in IPR2019-01148 is being hand delivered today to 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  
Madison Building East, Room 10B20  
600 Dulany Street  
Alexandria, VA 22314

I also hereby certify that on this same day a true and correct copy of the above-captioned Patent Owner’s Notice of Appeal is being filed via the electronic filing system, CM/ECF, with the Clerk of the United States Court of Appeals for the Federal Circuit in Case No. 2021-1612.

Under 37 C.F.R. § 42.6, I hereby certify that on this same day, the foregoing Patent Owner’s Notice of Appeal was served via electronic mail upon the following counsel of record for Petitioner:

Gianni Cutri <gcutri@kirkland.com>  
Robert A. Appleby <robert.appleby@kirkland.com>  
Jeremy Wilson <jeremy.wilson@kirkland.com>  
Brian A. Verbus <brian.verbus@kirkland.com>  
Jacob C. Rambeau <jake.rambeau@kirkland.com>  
<True-ClubChampion@kirkland.com>

Date: January 24, 2022

*/ Derek J. Brader /*  
Derek J. Brader, reg no. 71,421  
DECHERT LLP  
*Counsel for Patent Owner*