

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.

Petitioner

v.

CARUCEL INVESTMENTS, L.P.

Patent Owner

Case No. IPR2019-01102

U.S. Patent No. 7,848,701

**PATENT OWNER'S AMENDMENT TO MARCH 10, 2021
NOTICE OF APPEAL**

Via PTAB E2E

Patent Trial and Appeal Board

Via Hand Carry

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, Room 10B20
600 Dulany Street,
Alexandria, VA 22314

Via CM/ECF

United States Court of Appeals for the Federal Circuit

Pursuant to 35 U.S.C. §§ 141(c), 142 and 319, and 37 C.F.R. §§ 90.2–3, Patent Owner, Carucel Investments L.P., hereby amends its previous Notice of Appeal filed in this matter on March 10, 2021, to expressly add the following orders subsequently entered by the Patent Trial and Appeal Board after appeal had been taken to the Federal Circuit:

- (1) The December 6, 2021 Order denying the Request of Patent Owner, Carucel Investments LP for Director Review of the Final Written Decision (Paper 33); and
- (2) The *sub silentio* denial of Patent Owner’s Request for Leave to File a Motion to Reconsider Director Review and Notice of Inadequate Review (Paper 34).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner amends its March 10, 2021, Notice of Appeal to add the following issues to its pending appeal:

- vi. the Board’s failure to have the instant decision reviewed by an appropriate Principal Officer under *United States v. Arthrex, Inc.*;
- vii. the Board’s failure to utilize proper procedures and formal rules promulgated in compliance with the Administrative Procedures Act and the Due Process Clause of the Constitution in conducting review of the final written decision by an appropriate Principal Officer; and

viii. all other issues decided adversely to Patent Owner in any order, decision, ruling, or opinion subsequently entered after the appeal had been taken.

All previous orders and issues identified in the original March 10, 2021 notice remain at issue in this appeal.

This Amendment has been sought within the time limits prescribed by 37 C.F.R. § 90.3(b)(1), 35 U.S.C. § 142, of the December 6, 2021 Order.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Amendment is being filed with the Director of the United States Patent and Trademark Office. Simultaneous with this submission, Patent Owner is electronically filing a copy of this Amendment with the Patent Trial and Appeal Board. In addition, this Amendment is being filed electronically with the Clerk of the United States Court of Appeals for the Federal Circuit, who has indicated by order entered on February 2, 2022, that the Amendment need not include an additional docketing fee.

Date: February 7, 2022

Respectfully submitted,

/s/ R. Scott Rhoades

R. Scott Rhoades

Reg. No. 44,300

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Lead Counsel for Patent Owner

CERTIFICATION OF FILING

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), the undersigned hereby certifies that in addition to being filed electronically through the Board's Patent Trial and Appeal Board's end to end system (PTAB E2E), a true and correct copy of the above-captioned PATENT OWNER'S AMENDMENT TO MARCH 10, 2021 NOTICE OF APPEAL is being filed delivered by hand to the Director of the United States Patent and Trademark Office on February 7, 2022, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, Room 10B20
600 Dulany Street,
Alexandria, VA 22314

Pursuant to 37 C.F.R. §§ 90.2(a)(2), the undersigned also hereby certifies that a true and correct copy of the foregoing PATENT OWNER'S AMENDMENT TO MARCH 10, 2021 NOTICE OF APPEAL is being filed electronically through CM/ECF with the United States Court of Appeals for the Federal Circuit on February 7, 2022.

Date: February 7, 2022

Respectfully submitted,

/s/ R. Scott Rhoades

R. Scott Rhoades

Reg. No. 44,300

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that an electronic copy of the foregoing PATENT OWNER’S NOTICE OF APPEAL was served on the Petitioners by electronic mail on February 7, 2022:

rrichardson-PTAB@sternekessler.com,

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Date: February 7, 2022

Respectfully submitted,

/s/ R. Scott Rhoades

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