

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY INTERACTIVE ENTERTAINMENT LLC,  
Petitioner,

v.

BOT M8, LLC,  
Patent Owner.

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Case IPR2020-00726  
U.S. Patent No. 8,112,670

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**PATENT OWNER'S NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Bot M8, LLC (“Patent Owner”), hereby provides notice that it appeals 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 October 4, 2021, (Paper 36)<sup>1</sup> and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,112,670 (“the ’670 Patent”) at issue in *inter partes* review IPR2020-00726.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to, the Board’s interpretation and construction of the claims, including the Board’s construction of the terms in the final written decision; the Board’s determination that Petitioner showed by a preponderance of the evidence that claims 1–5 of the ’670 Patent are unpatentable; motivation to combine the asserted references; the Board’s reliance on arguments that exceeded the proper scope of Petitioner’s Reply; the Board’s denial of Patent Owner’s Motion to Exclude

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<sup>1</sup> Patent Owner filed a Request for Rehearing by the Board on November 3, 2021 (Paper 37), and on March 18, 2022, requested withdrawal of its Request for Rehearing. The Board granted Patent Owner’s request to withdraw its Request for Rehearing on March 23, 2022. Paper 38. Thus, Patent Owner’s Notice of Appeal is timely. *See* 35 U.S.C. § 142; 37 C.F.R. §§ 90.3(a)(1), (b)(1).

Evidence; any finding or determination supporting or related to those issues; and all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Copies of Patent Owner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: March 23, 2022

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(Case No. IPR2020-00726)

*Attorneys for Patent Owner*

**CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Petitioner as detailed below.

*Date of Service*            March 23, 2022

*Manner of Service*      Electronic Mail  
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*Documents Served*      PATENT OWNER'S NOTICE OF APPEAL

*Persons Served*           Eric A. Buresh  
Jason R. Mudd  
Kathleen Fitterling

In addition, the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on March 23, 2022, with the United States Patent and Trademark Office at the following address:

Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Patent Owner's Notice of Appeal  
IPR2020-00726 (U.S. Patent No. 8,112,670)

The undersigned hereby certifies that the foregoing Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on March 23, 2022.

/James Hannah/  
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