

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Hulu, LLC,
Petitioner

v.

SITO Mobile R&D IP, LLC and SITO Mobile, Ltd.,
Patent Owner

Case No. IPR2021-00158

U.S. Patent No. 9,026,673

PATENT OWNER'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; and 37 C.F.R. §§ 90.2(a), 90.3(a), that SITO Mobile R&D IP, LLC and SITO Mobile, Ltd. (“Patent Owner”) appeals from the Patent Trial and Appeal Board’s Final Written Decision entered on April 15, 2022 (Paper No. 34) and the Patent Trial and Appeal Board’s Order Denying Request for Director Review entered on July 20, 2022 (Paper No. 36) in the above-captioned *inter partes* review of U.S. Patent No. 9,026,673 (the “673 Patent”) to the United States Court of Appeals for the Federal Circuit. This notice is timely filed within 63 days of the Board’s Order Denying Patent Owner’s Request for Rehearing by the Director. 37 C.F.R. § 90.3(a)(1) and 90.3(b)(1). Patent Owner’s appeal includes any underlying orders, decisions, rulings, and opinions as well as any issues raised during these proceedings. In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, without limitation: (i) the Board’s determination that all challenged claims are unpatentable over the art of record in this proceeding; (ii) the Board’s claim constructions; (iii) the Board’s disposition and evidentiary rulings relating to Patent Owner’s objections to certain of Petitioner’s arguments and evidence; (iv) the Board’s disposition and evidentiary rulings relating to Petitioner’s objections to certain of Patent Owner’s arguments and evidence; (v) the Board’s obviousness analysis; (vi) the Board’s determination to institute this proceeding; (vii) the Board’s decision not to dismiss this proceeding; and (viii) any

finding or determination supporting or related to the above-mentioned issues as well as all other issues decided adversely to Patent Owner including in any orders, decisions, dispositions, rulings, and/or opinions. Simultaneously with this submission, Patent Owner is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office.

Dated: September 20, 2022

Respectfully Submitted,

/s/ Ronald M. Daignault

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CERTIFICATE OF SERVICE AND FILING

The undersigned hereby certifies that on this 20th day of September, 2022, in addition to being electronically filed through PRPS, a true and correct copy of the above-captioned PATENT OWNER'S NOTICE OF APPEAL is being filed by Express Mail on September 20, 2022, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the U.S. Patent & Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned also hereby certifies that a true and correct copy of the above-captioned PATENT OWNER'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 September 20, 2022.

Dated: September 20, 2022

/s/ Ronald M. Daignault
Ronald M. Daignault

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL, was served by filing the document through the PTAB E2E System, as well as by email on the following counsel of record for Petitioner:

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Dated: September 20, 2022

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