

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**GOOGLE INC.**

Petitioner

v.

**GRANDEYE LTD.**

Patent Owner

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CASE IPR2013-00547

Patent 6,243,099 B1

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Before JAMESON LEE, DAVID C. McKONE, and PATRICK M. BOUCHER,  
*Administrative Patent Judges*

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

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a) that Patent Owner Grandeye Limited (“Grandeye”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on November 25, 2014 (Paper 34), the Decision on Request for Rehearing entered January 13, 2015 (Paper 36), and all underlying orders, decisions, rulings and opinions.

Pursuant to 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner Grandeye states that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s application and use of the broadest reasonable interpretation standard, claim construction, application of claims 1, 3-5, 11, and 13 of U.S. Patent No. 6,243,099 B1 ( “the ’099 Patent”) to the prior art, determination of the unpatentability of claims 1, 3, 11, and 13 of the ’099 Patent under 35 U.S.C. §§ 102(a) and 102(b), determination of the unpatentability of claims 4 and 5 of the ’099 Patent under 35 U.S.C. § 103(a), and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner Grandeye in any orders, decisions, rulings and opinions.

Patent Owner also hereby makes part of its appeal that (a) the United States Patent and Trademark Office in its rule-makings for *inter partes* review, codified

at 37 C.F.R. Part 42 and its Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48766 (Aug. 14, 2012), deprived patent owners of their property without due process at least by (i) requiring under 37 C.F.R. § 42.100(b) application of the broadest reasonable interpretation standard while curtailing at 77 Fed. Reg. at 48766 the patent owner's ability to amend after institution and affording no opportunity to amend after the Patent Trial and Appeal Board's final claim construction and (ii) failing to give patent owners the opportunity present evidence of non-reading on the prior art of the claims after they are finally construed; and that (b) the Patent Trial and Appeal Board in this case further denied Patent Owner Grandeye administrative due process by (i) rejecting at the hearing Patent Owner's proposal, in response to Petitioner's and the Board's new arguments, to drop only one of two limitations of the claims drawn from definitions in the specification and presented in the Patent Owner's Response and (ii) the Board's adversarial posture relative to the '099 Patent, in effect raising at the hearing new grounds for rejection.

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Pursuant to 37 C.F.R. § 90.2, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

March 12, 2014

Respectfully Submitted,



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*Counsel for Patent Owner  
Grandeye Limited*

### **CERTIFICATE OF SERVICE**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS), the original version of the foregoing is being mailed by Express Mail (Overnight) on this 12<sup>th</sup> day of March, 2015, to the Director of the United States Patent and Trademark office, at the following address:

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

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing is being filed electronically on this 12<sup>th</sup> day of March, 2015, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit:

United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W., Suite 501  
Washington, DC 20005

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing, is being served, in accordance with the parties' electronic service agreement, by electronic mail on this 12<sup>th</sup> day of March, 2015, on the following counsel of record for Petitioner Google, Inc.:

Cono Carrano, [ccarrano@akingump.com](mailto:ccarrano@akingump.com)

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March 12, 2014

Respectfully Submitted,



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