

CBM2013-00027
U.S. Pat. No. 6,418,419
Docket No.: 6208-0104L

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHICAGO MERCANTILE EXCHANGE, INC.
Petitioner

v.

5TH MARKET, INC.
Patent Owner

Case CBM2013-00027
Patent 6,418,419

**PATENT OWNER 5TH MARKET, INC.'S
NOTICE OF APPEAL**

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner 5th Market Inc. (“5th Market”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision by the Patent Trial and Appeal Board (“PTAB”) entered on December 17, 2014 (Paper 33) as modified by the Decision on Patent Owner’s Request for Rehearing entered on March 23, 2015 (Paper 38), and from all underlying orders, decisions, rulings and opinions, including without limitation the Institution Decision of Covered Business Method Patent Review dated December 18, 2013 (Paper 9) of U.S. Patent No. 6,418,419 (“the ‘419 patent”).

This Notice timely given pursuant to 37 C.F.R. § 90.3(b), as the Rehearing Request filed by Patent Owner on January 15, 2015 (Paper 34) reset the time for appeal to no later than sixty-three days after action on the request (*i.e.*, the Decision on Rehearing dated March 23, 2015).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), 5th Market expects that the issues on appeal may include the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or other related issues:

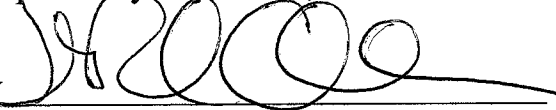
- Whether the PTAB erred in finding that claims 1-4, 6-23, and 41-49 are unpatentable under 35 U.S.C. § 103(a) (pre-AIA);

- Whether the PTAB erred in finding that claims 1-23 are unpatentable under 35 U.S.C. § 112, second paragraph (pre-AIA);
- Whether the PTAB erred in denying the Motion to Amend as to claims 1-4 and 6-23; and
- Whether the PTAB erred in finding the '419 patent eligible for covered business method review.

Copies of this Notice of Appeal are being filed simultaneously with the Director of the USPTO, the PTAB, and the Clerk of the United States Court of Appeals for the Federal Circuit.

Dated: May 22, 2015

Respectfully submitted,

By 

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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2015, a copy of the Patent Owner 5th Market Inc.'s Notice of Appeal was filed with the Patent Trial and Appeal Board and served and/or filed as set forth below.

Service and Filing by Hand Delivery (original version):

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulaney Street
Alexandria, VA 22314-5793

Service and Filing Electronically (true and correct copy):

Honorable Daniel E. O'Toole, Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Suite 401
Washington, DC 20005


Service by Electronic Mail (true and correct copy):

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