

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GORDON * HOWARD ASSOCIATES, INC.
Petitioner

v.

LUNAREYE, INC.
Patent Owner

INTER PARTES REVIEW OF U.S. PATENT NO. 6,484,035
CASE NO. IPR2014-00712

Before MICHAEL W. KIM, GEORGIANNA W. BRADEN, and
J. JOHN LEE, *Administrative Patent Judges*.

PATENT OWNER'S NOTICE OF APPEAL

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that in Gordon * Howard Associates, Inc. v. Lunareye, Inc., IPR2014-00712 (PTAB), Patent Owner Lunareye, Inc. ("Lunareye") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's Final Written Decision entered on September 28, 2015 (Paper 43) (the "Final Written Decision"), and from all underlying findings, determinations, orders, decisions, rulings and opinions, including without limitation the Decision on Institution of *Inter Partes* Review entered on October 17, 2014 (Paper 8).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner Lunareye further indicates that the issues on appeal will likely include, but are not limited to, the Patent Trial and Appeal Board's application and use of the broadest reasonable interpretation standard, claim constructions (including any lack thereof), application of the claim constructions to the prior art, determination of unpatentability of claim 3 of U.S. Patent No. 6,484,035 ("the '035 patent") under 35 U.S.C. § 103, determination of unpatentability of claim 3 of the '035 patent under 35 U.S.C. § 103 on grounds and/or evidence not raised by Petitioner, and any finding or

determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner Lunareye in any orders, decisions, rulings and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, three copies of this Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted this the 24th day of November, 2015.

/s/Matthew S. Compton, Jr.

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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 paper version of the foregoing, PATENT OWNER'S NOTICE OF APPEAL, was filed by hand on this 24th day of November, 2015, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
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Madison Building East, 10B20
600 Dulaney Street
Alexandria, VA 22314

/Matthew S. Compton/
Matthew S. Compton
Reg. No. 68411

CERTIFICATE OF SERVICE

I hereby certify that three (3) true and correct copies of the foregoing, PATENT OWNER'S NOTICE OF APPEAL, was filed by hand on this the 24th day of November, 2015, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

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

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CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.205, service was made on November 24, 2015 on the PETITIONER's counsel of record as follows:

Manner of Service: Electronic Mail

Documents served: Patent Owner's Notice of Appeal

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