

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE JEWELRY CHANNEL, INC. USA d/b/a Liquidation Channel,
Petitioner,

v.

AMERICA'S COLLECTIBLES NETWORK, INC.
Patent Owner

Case CBM2014-00119
Patent 8,370,211

Before LINDA M. GAUDETTE, BRIAN J. McNAMARA, and
DAVID C. McKONE, *Administrative Patent Judges*.

**PATENT OWNER AMERICA'S COLLECTIBLES NETWORK, INC.'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 Patent Owner America's Collectibles Network, Inc. ("ACN") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on October 16, 2015 (Paper 40), and from all underlying orders, decisions, rulings and opinions, including without limitation, the Decision on Institution of Covered Business Method Review entered on October 20, 2014 (Paper 10).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner ACN further indicates that the issues on appeal include: 1) whether 35 U.S.C. § 101 ("Section 101") permits patentable subject matter challenges in covered business method patent reviews and whether the Federal Circuit's opinion in *Versata Development Group, Inc. v. SAP America, Inc.*, 793 F.3d 1306, 1330 (Fed. Cir. 2015) should be reconsidered; 2) whether the Patent Trial and Appeal Board ("PTAB") erred in applying 35 U.S.C. § 101 and the Supreme Court case of *Alice Corp. v. CLS Bank Int'l.*, 573 U.S. ___, 134 S. Ct. 2347, 2355–56 (2014), and its progeny to conclude that claims 1 – 39 of U.S. Patent No. 8,370,211

("the '211 patent") do not recite patent eligible subject matter; and 3) whether the PTAB erred in denying ACN's motion to amend the claims and add claims 40 – 42 to the '211 patent.

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

Respectfully submitted,

Dated: December 16, 2015

s\ Neil C. Jones
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CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing, PATENT OWNER AMERICA'S COLLECTIBLES NETWORK, INC.'S NOTICE OF APPEAL, was filed by hand on this 16th day of December, 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
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

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I hereby certify that the foregoing, PATENT OWNER AMERICA'S COLLECTIBLES NETWORK, INC.'S NOTICE OF APPEAL, was electronically filed on this 16th day of December, 2015, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing, PATENT OWNER AMERICA'S COLLECTIBLES NETWORK, INC.'S NOTICE OF APPEAL, was served, via U.S. Priority Express Mail on this 16th day of December, 2015, on the following counsel:

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