

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GORDON \* HOWARD ASSOCIATES, INC.  
Petitioner

v.

LUNAREYE, INC.  
Patent Owner

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*INTER PARTES* REVIEW OF U.S. PATENT NO. 6,484,035  
CASE NO. IPR2014-01213

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

**NOTICE RE:  
PATENT OWNER'S NOTICE OF APPEAL**

Patent Owner Lunareye, Inc. ("Lunareye") filed the notice of appeal in Exhibit A, included herein, as stated therein.

Respectfully submitted this the 4th day of March, 2016.

/s/Matthew S. Compton, Jr.

Matthew S. Compton, Jr.

Registration No. 68,411

Christopher M. Faucett

*Admitted Pro Hac Vice*

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*Attorneys for Patent Owner LunarEye,  
Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6, service was made on March 4, 2016 on the PETITIONER's counsel of record as follows:

Manner of Service:        Electronic Mail

Documents served:        NOTICE RE: Patent Owner's Notice of Appeal & Exhibit A thereto

Persons Served:            Rodney B. Carroll  
rcarroll@dfw.conleyrose.com  
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*/Matthew S. Compton/*  
Matthew S. Compton  
Reg. No. 68411

# **EXHIBIT A**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GORDON \* HOWARD ASSOCIATES, INC.  
Petitioner

v.

LUNAREYE, INC.  
Patent Owner

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FEDERAL CIRCUIT

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

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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 Dulaney 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.*, IPR2014-01213 (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 February 2, 2016 (Paper 37) (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 February 3, 2015 (Paper 11) that instituted review despite Petitioner having filed a declaratory judgment seeking invalidity of the '035 patent.

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 claims 1–24 of U.S. Patent No. 6,484,035 ("the '035 patent") under 35 U.S.C. § 103, determination of unpatentability of claims 1–24 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 4th day of March, 2016.

*/s/Matthew S. Compton, Jr.*  
Matthew S. Compton, Jr.  
Registration No. 68,411  
Christopher M. Faucett  
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*Attorneys for Patent Owner LunarEye,  
Inc.*

**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 4th day of March, 2016, 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 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 4th day of March 2016, 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

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

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The undersigned certifies that, in accordance with 37 C.F.R. § 42.6, service was made on March 4, 2016 on the PETITIONER's counsel of record as follows:

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