

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIGLINK, INC.,
and
SKIMLINKS, INC. and SKIMBIT, LTD.,
Petitioners,
v.
LINKGINE, INC.,
Patent Owner.

Case CBM2014-00185¹
U.S. Patent 8,027,883 B2

PATENT OWNER LINKGINE'S NOTICE OF APPEAL

via PRPS
Patent Trial and Appeal Board

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

via CM/ECF
United States Court of Appeals for the Federal Circuit

¹Case CBM2015-00087 was joined in this proceeding.

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Linkgine, Inc., hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on March 16, 2016 (Paper No. 41) (the "Final Written Decision"), and from all underlying orders, decisions, rulings and opinions, regarding U.S. Patent No. 8,027,883 B2 ("the '883 Patent"), including without limitation the DECISION *Institution of Covered Business Method Patent Review* entered on March 20, 2015 (Paper No.12).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner Linkgine further indicates that the issues on appeal may include, but are not limited to:

- (1) the Patent Trial and Appeal Board's (hereinafter, the "Board") application and use of the broadest reasonable interpretation standard;
- (2) the Board's claim construction of claims 1–8 of the '883 Patent, the procedural failure to hold a claim construction hearing as a matter of course, and the procedural inability to allow amendment of claims 1–8 of the '883 Patent;
- (3) the constitutionality of the Board's authority to determine the unpatentability of claims 1–8 of the '883 Patent;
- (4) the Board and/or the United States Patent and Trademark Office exceeded their statutory authority under Leahy–Smith America Invents Act § 18

and 35 U.S.C. § 321 by instituting a covered business method patent review as to claims 1–8 of the '883 Patent;

(5) the '883 Patent is not a covered business method patent under Leahy–Smith America Invents Act § 18 and assuming it is, review was not proper under § 18 because the '883 Patent fell within the technological invention exception;

(6) the Board and/or the United States Patent and Trademark Office violated 37 C.F.R. Part 42 *et seq.* by instituting a covered business method patent review as to claims 1–8 of the '883 Patent;

(7) the appealability of the DECISION *Institution of Covered Business Method Patent Review* entered on March 20, 2015 (Paper No.12);

(8) the Board's determination that claims 1–8 of the '883 Patent are not patentable under 35 U.S.C. § 101;

(9) the Board's determination that claims 1–8 of the '883 Patent are not patentable under 35 U.S.C. § 102; and

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

Simultaneously with this submission, Patent Owner Linkgine is providing a true and correct copy of this Notice of Appeal to the Office of the General Counsel

for the U.S. Patent and Trademark Office via Priority Mail Express and submitting via CM/ECF a true and correct copy of same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit, as set forth in the accompanying Certificate of Filing.

Respectfully submitted this Tuesday, May 17, 2016.

/Robert A. Whitman/

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U.S. Patent 8,027,883 B2

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CERTIFICATION OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PRPS, a true and correct copy of the above styled NOTICE OF APPEAL is being provided via Priority Mail Express mail to:

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

The undersigned also hereby certifies that a true and correct copy of the above styled NOTICE OF APPEAL is being filed via CM/ECF with the United States Court of Appeal for the Federal Circuit.

Dated: May 17, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF APPEAL was served on May 17, 2016, by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail and first class mail directed to the counsel of record for the Petitioners at the following addresses:

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