

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC,
NETFLIX, INC., and
SPOTIFY USA INC.
Petitioners

v.

CRFD RESEARCH, INC.
Patent Owner

Case IPR2015-00259
U.S. Patent No. 7,191,233

PETITIONERS' NOTICE OF APPEAL

Case IPR2015-00259
U.S. Patent No. 7,191,233

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Petitioners Hulu, LLC, Netflix, Inc., and Spotify USA Inc. appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board in Case No. IPR2015-00259, dated June 1, 2016 (Paper No. 25). In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioners indicate that the issues on appeal include, but are not limited to the following:

1. Whether the PTAB erred in finding that Petitioner has not shown by a preponderance of the evidence that claims 1–6, 8–11, 13–15, 17–20, 23–25, 29–31, 34–36, and 38–41 of U.S. Patent No. 7,191,233 (“the ‘233 Patent”) are unpatentable.
2. Whether the PTAB erred in finding that Petitioner has not shown by a preponderance of the evidence that claims 1-3, 23, and 24 are unpatentable under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,963,901 (“Bates”).
3. Whether the PTAB erred in finding that Petitioner has not shown by a preponderance of the evidence that claims 1-6, 8-11, 23-25, and 29-31 are unpatentable under 35 U.S.C. § 103(a) in view of Bates and Mun Choon Chan *et al.*, “Next-Generation Wireless Data Services: Architecture and Experience”, IEEE PERSONAL COMMS., Feb. 1999, pp. 20-33 (“Chan”).
4. Whether the PTAB erred in finding that Petitioner has not shown by a preponderance of the evidence that claims 13, 14, 34, and 35 are unpatentable under 35 U.S.C. § 103(a) in view of Bates and Bo Zou, “Mobile ID Protocol: A Badge-Activated Application Level Handoff of a Multimedia Streaming to Support User Mobility” (2000) (M.S. thesis, University of Illinois at Urbana-Champaign) (“Zou”).

5. Whether the PTAB erred in finding that Petitioner has not shown by a preponderance of the evidence that claims 15, 17-20, 36, and 38-41 are unpatentable under 35 U.S.C. § 103(a) in view of Bates, Zou, and Chan.
6. Whether the PTAB made procedural errors that led to the erroneous conclusions in its Final Written Decision.
7. Whether the PTAB erred in failing to properly analyze Petitioner's instituted obviousness grounds, including failing to properly analyze the combinations of (1) Bates in light of Zhou, (2) Bates in light of Chan, and (3) Bates in light of Zhan and Chan.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, 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,

Dated: August 3, 2016

By: /David G. Lindenbaum/
Francis E. Morris, Reg. No. 24,615
David G. Lindenbaum, Reg. No. 51,951
KELLEY DRYE & WARREN LLP
101 Park Avenue
New York, New York 10178
Telephone: (212) 808-7800
Facsimile: (212) 808-7897
E-mail: fmorris@kelleydrye.com
E-mail: dlindenbaum@ kelleydrye.com

*Attorneys for Petitioners NETFLIX, INC.
and SPOTIFY USA INC.*

By: /Eliot D. Williams /
Eliot D. Williams, Reg. No. 50,822
Harper S. Batts, Reg. No. 56,160
BAKER BOTTS L.L.P.

Case IPR2015-00259
U.S. Patent No. 7,191,233

1001 Page Mill Road
Building One, Suite 200
Palo Alto, CA 94304
Telephone: (650) 739-7511
Facsimile: (650) 739-7611
E-mail: eliot.williams@bakerbotts.com
E-mail: harper.batts@bakerbotts.com

Michael Hawes, Reg. No. 38,487
BAKER BOTTS L.L.P.
910 Louisiana Street
Houston, TX 77002
Telephone: (713) 229-1750
Facsimile: (713) 229-7750
E-mail: michael.hawes@bakerbotts.com

Attorneys for Petitioner HULU, LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. 42.6(e)(1), the parties have agreed to accept service by electronic means. I hereby certify that on August 3, 2016, I caused a copy of the foregoing document to be served via electronic mail to the following addresses:

Tarek N. Fahmi, Esq.	tarek.fahmi@ascendalaw.com
Holly J. Atkinson, Esq.	holly.atkinson@ascendalaw.com
Ascenda Law Group, PC	patents@ascendalaw.com

By: /David G. Lindenbaum/
David G. Lindenbaum, Reg. No. 51,951