

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GoPro, Inc.

Petitioner,

v.

Contour, LLC

Patent Owner.

Case No. IPR2015-01078 (Patent No. 8,896,694 B2)

Before JUSTIN T. ARBES, MICHAEL J. FITZPATRICK, and
NEIL T. POWELL, ADMINISTRATIVE PATENT JUDGES.

PETITIONER'S NOTICE OF APPEAL

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Director of the United States Patent and Trademark Office
Office of the General Counsel, USPTO
10B20 Madison Building East
600 Dulany St.
Alexandria, VA

Pursuant to 35 U.S.C. §§ 141-44 and 319, and 37 C.F.R. § 90.2-90.3, Notice is hereby given, that Petitioner GoPro, Inc. ("Petitioner") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on October 26, 2016 (Paper 54), the Decision on Petitioner's Request for Rehearing entered on February 16, 2017 (Paper 59), and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal include, but are not limited to, whether the Patent Trial and Appeal Board erred as a matter of law when it concluded that the cited GoPro Catalog (Ex. 1011 in the IPR) was not a prior art printed publication under 35 U.S.C. § 102(b) and, solely on this basis, found that Petitioner had not established that challenged claims 1-20 of U.S. Patent No. 8,896,694 are obvious and therefore unpatentable, and any finding or determination supporting or related to these issues, as well as all other issues decided adversely to Petitioner 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 and the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

DUANE MORRIS LLP

Date: April 10, 2017

By: /Patrick D. McPherson
Patrick D. McPherson (Lead Counsel)
USPTO Reg. No. 46,255
Duane Morris LLP
505 9th Street NW, Suite 1000
Washington, D.C. 20004

Karineh Khachatourian (Backup Counsel)
Duane Morris LLP
2475 Hanover Street
Palo Alto, CA 94304

ATTORNEYS FOR PETITIONER

CERTIFICATE OF FILING IN COMPLIANCE WITH 37 C.F.R § 90.2(a)(1)

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(a), I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End (E2E), a true and correct original version of the foregoing PETITIONER'S NOTICE OF APPEAL is being filed by courier on this 10th day of April, 2017, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark
Office
Office of the General Counsel, USPTO
10B20 Madison Building East
600 Dulaney St.
Alexandria, VA

CERTIFICATE OF FILING IN COMPLIANCE WITH 37 C.F.R. § 90.2(a)(2)

Pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), and Rule 52(a)(e), I hereby certify that a true and correct copy of the foregoing PETITIONER'S NOTICE OF APPEAL is being filed in the United States Court of Appeals for the Federal Circuit by courier on this 10th day of April, 2017, at the following address:

United States Court of Appeals for the Federal Circuit
Clerk's Office Rm. 401
717 Madison Pl. NW
Washington D.C.

CERTIFICATE OF SERVICE IN COMPLIANCE WITH 37 C.F.R. § 42.6(e)

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.64, the undersigned certifies that on this 10 day of April 2017, a complete and entire copy of the foregoing PETITIONER'S NOTICE OF APPEAL was filed via the Patent Trial and Appeal Board's E2E as well as delivering a copy via email on the following counsel for Patent Owner at:

Lead Counsel	Nicole M. Jantzi, Esq. MCDERMOTT WILL & EMERY The McDermott Building 500 North Capitol Street, NW Washington, DC 20001 (202) 756-8000 njantzi@mwe.com
Backup Counsel	Paul M. Schoenhard, Esq. MCDERMOTT WILL & EMERY The McDermott Building 500 North Capitol Street, NW Washington, DC 20001 (202) 756-8000 pschoenhard@mwe.com

Dated: April 10, 2017

/Patrick D. McPherson
Patrick D. McPherson, Reg. No. 46,255
505 9th Street, N.W., Suite 1000
Washington, D.C. 20004
P: (202) 776-7800
F: (202) 776-7801
PDMcPherson@duanemorris.com
ATTORNEY FOR PETITIONER