

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

M & P GOLF, LLC d/b/a COOL CLUBS, ROGER DUNN INC.,
GOLFSMITH INTERNATIONAL, INC., and GOLFTEC
ENTERPRISES, LLC,
Petitioner,

v.

MAX OUT GOLF, LLC,
Patent Owner.

U.S. Patent No. 8,696,497

IPR Case No.: IPR2016-00785

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner, MAX OUT GOLF, LLC, ("Patent Owner") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeals Board entered on August 30, 2017 in case IPR2016-00785, Paper 43, and from all underlying findings, orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal include, but are not limited to, the Board's claim constructions of including but not limited to "optimization engine configured to determine optimized information for the spin and launch angle," determinations of unpatentability of claims 1-8 of U.S. Patent No. 8,696,497 B2 (the "497 Patent") over Gobush, Maltby, and/or Erlichson, alone or in combination with other references, and the findings supporting those determinations, any other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions issued in this proceeding.

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 and the required fee are being submitted to the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Date: November 1, 2017

/Noel C. Gillespie/
Noel C. Gillespie, Reg. No. 47,596
Michael C. Jones, Reg. No. 63,266
Procopio, Cory, Hargreaves
& Savitch LLP
525 B Street, Suite 2200
San Diego, CA 92101
Telephone: (619) 238-1900
Facsimile: (619) 235-0398
noel.gillespie@procopio.com
michael.jones@procopio.com
Attorneys for Patent Owner
Max Out Golf, LLC

CERTIFICATE OF SERVICE

(37 C.F.R. §§ 42.6(e) and 42.105(a))

The undersigned hereby certifies that the above-captioned PATENT OWNER'S NOTICE OF APPEAL was served in its entirety on November 1, 2017, by filing this document through the Patent Trial and Appeal Board's E2E System and was filed with the Director of the United States Patent and Trademark Office c/o the Office of General Counsel via first-class mail to the following address:

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

I hereby also certify that on November 1, 2017, a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF, with a courtesy paper copy to the clerk via Federal Express.

I hereby further certify that on November 1, 2017, a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL has been served in its entirety by delivering a copy via electronic mail via electronic mail upon the following at mjschmitt@michaelbest.com, agollwitzer@michaelbest.com; and geespinoza@michaelbest.com:

Michael Best & Friedrich LLP
444 W. Lake St., Suite 3200
Chicago, IL 60606

Date: November 1, 2017

Respectfully submitted,

/Noel C. Gillespie/
Noel C. Gillespie, Reg. No. 47,596
Michael C. Jones, Reg. No. 63,266
Procopio, Cory, Hargreaves
& Savitch LLP
525 B Street, Suite 2200
San Diego, CA 92101
Telephone: (619) 238-1900
Facsimile: (619) 235-0398
noel.gillespie@procopio.com
michael.jones@procopio.com
Attorneys for Patent Owner
Max Out Golf, LLC