

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KINGSTON TECHNOLOGY COMPANY INC.,  
Petitioner

v.

POLARIS INNOVATIONS LIMITED,  
Patent Owner

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Case IPR2017-00116  
Patent 7,334,150 B2

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**PATENT OWNER POLARIS INNOVATIONS LIMITED'S  
NOTICE OF APPEAL**

via PTAB E2E  
Patent Trial and Appeal Board

via Priority Mail Express  
Director  
Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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

Please take notice, under 28 U.S.C. § 1295(a)(4)(A), 35 U.S.C. §§ 141(c), 142 and 319; 37 C.F.R. § 90.2(a)(1); Fed. R. App. P. 15(a); and Fed. Cir. R. 15, subsection (a) and related Practice Note, Polaris Innovations Limited (“Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the final written decision under 35 U.S.C. § 318(a) of a panel of the Patent Trial and Appeal Board (“Board”) entered in the above-captioned *inter partes* review of U.S. Patent No. 7,334,150 B2 (“’150 Patent”) on February 13, 2018, Paper 33 (“Final Written Decision”) (Attachment 1), based on the Board’s Decision Granting Institution of *Inter Partes* Review on behalf of the Director of the United States Patent and Trademark Office (“Director”) entered on March 29, 2017, Paper 9 (“Institution Decision”) (Attachment 3).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), this notice provides that Patent Owner’s issues on appeal include at least

- (i) the Board’s determination that Petitioner Kingston Technology Company, Inc. (“Petitioner”) properly showed that claims 1–2, 5, 6, and 8–10 of the ’150 Patent are unpatentable as obvious over U.S. Patent No. 6,898,726 B1 (“Lee”);
- (ii) the Board’s determination that Petitioner properly showed that claims 3 and 11 of the ’150 Patent are unpatentable as obvious over a combination of Lee and U.S. Patent No. 7,123,046 B2 (“Keeth”);

- (iii) the Board's denial (Attachment 2) of Patent Owner's request for hearing regarding the impropriety of arguments in Petitioner's Reply (Paper 20), and the determination in the Final Written Decision that those arguments were not beyond the proper scope of the Reply;
- (iv) the insufficiency of lawful and constitutional authority for the Board's Final Written Decision;
- (v) any further findings or determinations by the Director or the Board supporting or relating to the issues above; and
- (vi) all other issues decided adversely to Patent Owner or the '150 Patent in any orders, decisions, rulings, or opinions, whether written or oral, of the Board, on its own or on another's behalf, in this proceeding.

In accordance with Fed. Cir. R. 15, and related Practice Note, Patent Owner attaches to this Notice of Appeal copies of the decisions from which review is sought. Concurrently with the present submission, Patent Owner is filing a copy of this Notice of Appeal with the Director, and a copy of the same along with the required docketing fee with the Clerk of the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

/ Kenneth J. Weatherwax /

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Date: April 16, 2018

**CERTIFICATE OF FILING**

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a copy of the above-captioned PATENT OWNER POLARIS INNOVATIONS LIMITED'S NOTICE OF APPEAL, together with an attached copy of the decisions for which review is sought, is being filed by Priority Mail Express with the Director on the date below at the following address:

Andrei Iancu, Director  
Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

The undersigned also hereby certifies that a true and correct copy of the above-captioned PATENT OWNER POLARIS INNOVATIONS LIMITED'S NOTICE OF APPEAL, together with an attached copy of the decisions for which review is sought and the filing fee, are being filed via CM/ECF with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit on the date below.

Respectfully submitted,

LOWENSTEIN & WEATHERWAX LLP

/ Kenneth J. Weatherwax /

Kenneth J. Weatherwax, Reg. No. 54,528

Date: April 16, 2018

