

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISK NETWORK CORPORATION,
AND DISK NETWORK L.L.C.,

Petitioners

v.

CUSTOMEDIA TECHNOLOGIES, L.L.C.,

Patent Owner

Case CBM2017-00023

Patent 8,719,090

PATENT OWNER'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; and 37 C.F.R. §§ 90.2(a), 90.3(a), that Customedia Technologies, LLC (“Patent Owner”) appeals from the Patent Trial and Appeal Board’s Final Written Decision entered on June 11, 2018 (Paper No. 48) in the above-captioned covered business method review of U.S. Patent No. 8,719,090 (the “’090 Patent”) to the United States Court of Appeals for the Federal Circuit. This notice is timely filed within 63 days of the Board’s final written decision. 37 C.F.R. § 90.3(a)(1). Patent Owner’s appeal includes any underlying orders, decisions, rulings, and opinions as well as any issues raised during these proceedings. In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, without limitation: (i) the Board’s determination that claims 1-8, 17, and 23 are unpatentable under 35 U.S.C. § 101; (ii) the Board’s determination that claim 7 is unpatentable under 35 U.S.C. § 112; (iii) the Board’s determination that claims 1-8, 17, and 23 are unpatentable over the art of record in this proceeding; (iv) the Board’s claim constructions; (v) the Board’s disposition of Patent Owner’s objections to petitioner’s demonstratives, Patent Owner’s objections to evidence, its evidentiary rulings; (vi) the Board’s obviousness analysis; (vii) the Board’s determination to institute this proceeding; (viii) the Board’s decision not to dismiss this proceeding; and (ix) any finding or determination supporting or related to the above-mentioned issues as well as all other issues decided adversely to Patent Owner including in any

orders, decisions, dispositions, rulings, and/or opinions. Simultaneous with this submission, Patent Owner is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark.

Respectfully submitted,

Dated: August 8, 2018

/s/ Raymond W. Mort, III

Raymond W. Mort, III

Registration No. 47,807

The Mort Law Firm, PLLC
106 E. Sixth Street, Ste 900
Austin, Texas 78701

*Counsel for Patent Owner
Customedia Technologies, L.L.C.*

CERTIFICATE OF SERVICE AND FILING

The undersigned hereby certifies that on this 8th day of August, 2018, in addition to being electronically filed through PRPS, a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL** is being filed by Express Mail on August 8, 2018, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the U.S. Patent & 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-captioned **PATENT OWNER'S NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on August 8, 2018.

Dated: August 8, 2018

/s/ Raymond W. Mort, III

Raymond W. Mort, III

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was served electronically via e-mail on August 8, 2018 in its entirety on the following Attorneys for Petitioner, DISH Network L.L.C. and DISH Network Corporation:

Eliot D. Williams
eliot.williams@bakerbotts.com
G. Hopkins Guy III
hop.guy@bakerbotts.com

BAKER BOTTS L.L.P.
1001 Page Mill Road, Bld. 1, Suite 200
Palo Alto, California 94304-1007

Ali Dhanani
ali.dhanani@bakerbotts.com

BAKER BOTTS L.L.P.
910 Louisiana St.
Houston, TX 77002

Dated: August 8, 2018

/s/ Raymond W. Mort, III

Raymond W. Mort, III