

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

DISH NETWORK CORPORATION,  
AND DISH NETWORK L.L.C.,

Petitioners

v.

CUSTOMEDIA TECHNOLOGIES, L.L.C.,

Patent Owner

---

Case IPR2017-00717

Patent 9,053,494

---

**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 July 25, 2018 (Paper No. 45) in the above-captioned *inter partes* review of U.S. Patent No. 9,053,494 (the “’494 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 1-4, 6, 7, 19, 23, 24, and 27 are unpatentable over the art of record in this proceeding; (ii) the Board’s order that claims 16-18 and 28 of the ’494 patent “are not held patentable”; (iii) the Board’s claim constructions; (iv) the Board’s disposition of Patent Owner’s objections to petitioner’s demonstratives, Patent Owner’s objections to evidence, its evidentiary rulings; (v) the Board’s obviousness analysis; and (vi) 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: September 21, 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 21st day of September, 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 September 21, 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 September 21, 2018.

Dated: September 21, 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 September 21, 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](mailto:eliot.williams@bakerbotts.com)  
G. Hopkins Guy III  
[hop.guy@bakerbotts.com](mailto: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](mailto:ali.dhanani@bakerbotts.com)

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

Dated: September 21, 2018

/s/ Raymond W. Mort, III

Raymond W. Mort, III