

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

FUJIFILM CORPORATION,
Patent Owner.

Case IPR2017-00800
U.S. Patent No. 6,767,612

PATENT OWNER'S NOTICE OF APPEAL
35 U.S.C. § 142 and 37 § 90.3 (b)(1)

Pursuant to 37 CFR §§ 90.2(a), 90.3(b)(1), and 35 U.S.C. §§141(c), 318 (a), 319, and 142, FUJIFILM CORPORATION, (hereinafter “Patent Owner”), hereby and through its counsel, appeals to the United States Court of Appeals for the Federal Circuit for review of the Final Written Decision by the United States Patent and Trademark office Patent Trial and Appeals Board (“PTAB”) in *Inter Partes* Review No. 2017-00800, concerning U.S. Patent 6,767,612 (the “’612 Patent”), entered on and August 16, 2018, and from all underlying and related findings, orders, decisions, rulings and opinions. This Notice is timely and filed within 63 days of the Board’s Denial of Rehearing. 37 C.F.R. §30(b)(1).

The issues on appeal may include, but are not limited to:

A. Whether the Patent Trial and Appeal Board improperly construed “minimum recording bit length” as used in the claims of the ’612 Patent.

B. Whether the PTAB improperly found the challenged claims of the ’612 Patent unpatentable and invalid under 35 U.S.C. §103(a), as obvious in view of JP 2001-84549A to Matsuno (“Matsuno”) and JP 2000-40218A to Endo (“Endo”).

C. Whether the PTAB improperly found that the ranges recited in the challenged claims of the ’612 Patent are not critical.

D. Whether the PTAB improperly found that the objective indicia of non-obviousness do not support a finding that the challenged claims of the '612 Patent are not obvious.

Simultaneous with submission of this Notice of Appeal to the Director of the United States Patent and Trademark Office, this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal, along with the required docketing fees, is being filed with the United States Court of Appeals for the Federal Circuit.

October 15, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 15, 2018 copies of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** were:

(1) Filed with the Board electronically via the Patent Review Processing System

(2) Filed with the Director (one copy) via Priority Express Mail

(pursuant to 37 CFR §§ 1.10, 90.3, 104.2(a)) to:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, Virginia 22313-1450

(3) Filed with the Clerk for the U.S. Court of Appeals for the Federal Circuit via electronic filing:

U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 2005

(4) Served on counsel for Petitioner via email by agreement of the parties to:

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