

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBER TECHNOLOGIES, INC.
Petitioner
v.

X ONE, INC.
Patent Owner

Case: IPR2017-01264
Patent 8,798,647

PETITIONER'S NOTICE OF APPEAL

via E2E
Patent Trial and Appeal Board

via Hand Delivery
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

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

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2, Petitioner Uber Technologies, Inc. (“Uber”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision in Case No. IPR2017-01264 entered on October 12, 2018 (Paper 48), and from all underlying orders, decisions, rulings, and opinions called up by that final ruling which adversely affected Uber.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Uber’s issues on appeal include at least:

(i) the Board’s claim constructions of “responsive to launching an application” and “in association with an application launched”;

(ii) the Board’s analysis and findings regarding obviousness based on Japanese Unexamined Patent Application Publication 2002-352388 (“Konishi”), including whether Konishi renders obvious to a person of ordinary skill in the art the “responsive to launching an application” and “in association with an application launched” limitations;

(iii) the Board’s analysis and findings regarding obviousness based on Konishi and U.S. Patent No. 6,714,797 (“Rautila”);

(iv) the Board’s analysis and findings regarding obviousness based on Konishi and U.S. Patent No. 6,925,381 (“Adamczyk”);

(v) the Board’s analysis and findings regarding obviousness based on Konishi and Japanese Unexamined Patent Application Publication 2002-199433 (“Makoto”);

(vi) the Board’s analysis and findings regarding obviousness based on Konishi and U.S. Patent No. 6,658,260 (“Knotts”);

(vii) the Board’s analysis and findings regarding obviousness based on Japanese Unexamined Patent Application Publication 2003-168190 (“Mitsuoka”), including whether Mitsuoka renders obvious to a person of ordinary skill in the art the “responsive to launching an application” and “in association with an application launched” limitations;

(viii) the Board’s analysis and findings regarding obviousness based on Mitsuoka and Rautila;

(ix) the Board’s analysis and findings regarding obviousness based on Mitsuoka and Makoto;

(x) the Board’s analysis and findings regarding obviousness based on Mitsuoka, Konishi, and Knotts; and

(xi) any findings or determinations supporting or related to the aforementioned issues.

Uber's further record review and legal research could reveal additional issues to be raised on appeal resulting from the adverse rulings and decisions below.

Pursuant to 37 C.F.R. § 90.3, this Notice of Appeal is timely filed within 63 days of entry of the Final Written Decision dated October 12, 2018.

As reflected in the attached Certificate of Service, this Notice of Appeal is being filed with the Board through its E2E system and the United States Court of Appeals for the Federal Circuit through its CM/ECF System along with the requisite filing fee. A copy is also being served on the Director of the United States Patent and Trademark Office, care of the Office of the General Counsel.

Date: November 5, 2018

/s/ Gerard M. Donovan

Gerard M. Donovan
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COUNSEL FOR PETITIONER

CERTIFICATION OF FILING AND SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on November 5, 2018, a complete and entire copy of Petitioners' Notice of Appeal is being provided via the Patent Trial and Appeal Board End to End (PTAB E2E) System as well as delivering a copy via email on counsel for Patent Owner at:

Doris Johnson Hines
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I further certify that a copy of the Notice of Appeal is being served, pursuant to 37 C.F.R. § 104.2, by hand on November 5, 2018 to the United States Patent and Trademark Office at the following address: Office of the General Counsel, 10B20, Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314.

I further certify that a copy of the Notice of Appeal with an attached copy of the Final Written Decision and the requisite fee is being filed via CM/ECF on November 5, 2018 with the United States Court of Appeals for the Federal Circuit and a copy is being sent by hand to the Clerk of the Court.

/s/ Gerard M. Donovan
Gerard M. Donovan
Reg. No. 67,771