

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FANDUEL, INC.
DRAFTKINGS, INC.
Petitioner,

v.

INTERACTIVE GAMES LLC,
Patent Owner.

Case IPR2017-01532
Patent No. 9,355,518 B2

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c) and 319 and 37 C.F.R. § 90.2(a), Patent Owner hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered December 10, 2018, (Paper 32) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 9,355,518 B2 (“the ’518 patent”) set forth in *Inter Partes* Review IPR2017-01532.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include,

but are not limited to:

- the Board’s determination that claim 9 is unpatentable under 35 U.S.C. § 103 based on Vuong and Harkham;
- the Board’s determination that claim 11 is unpatentable under 35 U.S.C. § 103 based on Vuong, Harkham, and LeMay;
- the Board’s determination that claim 12 is unpatentable under 35 U.S.C. § 103 based on Vuong, Harkham, and the knowledge of a person of ordinary skill in the art;
- the Board’s determination that claim 13 is unpatentable under 35 U.S.C. § 103 based on Vuong, Harkham, the knowledge of a person of ordinary skill in the art, and LeMay;
- the Board’s determination that claim 21 is unpatentable under 35 U.S.C. § 103 based on Koza and Harkham;
- the Board’s claim constructions for claims 9, 11, 12, 13, and 21, including, without limitation, the Board’s construction and analysis of the phrase “in response to the event” in claim 9; and
- all other issues decided adversely to Patent Owner in any order, decision, ruling or opinion underlying or supporting the Final Written Decision.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice and the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Dated: February 8, 2019

By: /Joshua L. Goldberg/
Joshua L. Goldberg, Lead Counsel
Reg. No. 59,369

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on this 8th day of February 2019, in addition to being filed and served electronically through the Board's E2E System, a true and correct copy of the foregoing "**PATENT OWNER'S NOTICE OF APPEAL**," was served on the Director of the United States Patent and Trademark Office, via U.S. Mail delivery at the following address:

Office of the General Counsel
Director of the United States Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

I also hereby certify that on this 8th day of February 2019, a true and correct copy of the foregoing "**PATENT OWNER'S NOTICE OF APPEAL**," and the filing fee, were filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF.

I also hereby certify that on this 8th day of February 2019, a true and correct copy of the foregoing "**PATENT OWNER'S NOTICE OF APPEAL**," was served, by electronic mail, upon the following:

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Dated: February 8, 2019

By: /Lisa C. Hines/

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