

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUPERCELL OY,
Petitioner

v.

GREE, INC.,
Patent Owner

Case: PGR2018-00008
U.S. Patent No. 9,597,594

PATENT OWNER'S NOTICE OF APPEAL

PGR2018-00008
Patent No. 9,597,594

Notice is hereby given, pursuant to 35 U.S.C. § 141 and 37 C.F.R. § 90.2, that Patent Owner GREE, Inc. (“GREE”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (the “Board”) Final Written Decision entered on January 2, 2019 (Paper 42), and from all orders, decisions, rulings, and opinions underlying those decisions regarding U.S. Patent No. 9,597,594 (the “’594 patent”) set for in *inter partes* review PGR2018-00008.¹

In accordance with 37 C.F.R. 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to, the following, as well as any underlying findings, determinations, rulings, decisions, opinions, claim interpretations, or other related issues:

- The Board’s construction of the claim term “template,”
- Whether claims 1, 8, and 10-20 of the ’594 patent are invalid under § 101; and
- Any issues raised on appeal by Petitioner.

¹ Petitioner Supercell OY (“Petitioner”) submitted a Request for Rehearing and Reconsideration on February 1, 2019 (Paper 43). On May 10, 2019, the Board entered a Decision Denying Petitioner’s Request for Rehearing (Paper 46).

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In accordance with 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2 and 90.3, copies of this Notice of Appeal are being timely filed simultaneously with the Director of the United States Patent and Trademark Office and the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal, along with 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. A copy of this Notice of Appeal is also being served on Petitioner.

Dated: May 10, 2019

Respectfully submitted,

By: /s/ John C. Alemanni

John C. Alemanni (Reg. No. 47,384)
Lead Counsel for Patent Owner

| <u>Lead Counsel</u> | <u>Backup Counsel</u> |
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CERTIFICATE OF FILING

I hereby certify that on May 10, 2019, a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed electronically through the Patent Trial and Appeal Board's End to End (E2E) system, and that the original of the foregoing was hand-delivered to the Director of the United States Patent and Trademark Office, at the following address in accordance with 37 C.F.R. §§ 42.6(b), 90.2(a), and 104.2:

Office of the General Counsel
United States Patent and Trademark Office
10B20, Madison Building East
600 Dulany Street
Alexandria, Virginia 22313-1450

CERTIFICATE OF FILING

I hereby certify that on May 10, 2019, a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed electronically via the CM/ECF system with the Clerk of Court for the United States Court of Appeals for the Federal Circuit, and that the requisite fee was paid in accordance with 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Patent Owner's Notice of Appeal has been served electronically via email upon the following:

Jennifer R. Bush
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Dated: May 10, 2019

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