

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAMAHA GOLF CAR COMPANY,
Petitioner,

v.

CLUB CAR, LLC,
Patent Owner.

Case IPR2017-02144
Patent 7,480,569

PETITIONER'S NOTICE OF APPEAL

Pursuant to 37 C.F.R § 90.2(a) and 35 U.S.C. § 142, Petitioner YAMAHA GOLF CAR COMPANY (“Petitioner”) hereby respectfully gives notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on April 2, 2019 (Paper 63) and from all underlying orders, decisions, rulings and opinions that are adverse to Petitioner, including, without limitation, those within the Decision on Institution of *Inter Partes* Review (Paper 17) and the Decision on Petitioner’s Request for Rehearing (Paper 26), and from any and all other procedural and evidentiary rulings adverse to Petitioner during the course of the *Inter Partes* Review (Papers 43 and 61).

For the limited purpose of providing the Director with the information requested in 37 C.F.R § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal may include, but are not limited to, the Board’s finding that Petitioner did not show by a preponderance of the evidence that claims 11 and 17–19 of the ’569 patent are unpatentable; the Board’s determination that the ’918 Publication is not prior art to claim 11 of the ’569 patent, including the Board’s related findings as to provisional application support for the ’965 patent’s claims (in U.S. Provisional Application No. 60/440,894) and ’918 Publication; the Board’s finding that Petitioner failed to show that that claim 11 is anticipated by the ’918 Publication; the Board’s finding that Petitioner failed to show that claims 17–19 of the ’569

patent are obvious over the '918 Publication; the Board's determination that the '918 Publication does not teach or render obvious the "driver interface unit associated with each golf cart and operable to communicate an alarm to a base station of a controller limiting the performance of a driver command" limitation; the Board's denial of Petitioner's motion to submit Exhibits 1008-1017; and any finding or determination supporting or related to those issues; as well as all other issues decided adversely to Petitioner in any orders, decisions, rulings and opinions.

Contemporaneously with this submission, a copy of the Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board and served upon counsel of record for Patent Owner CLUB CAR, LLC. In addition, a copy of this Notice of Appeal and a copy of the Final Written Decision, along with the required docketing fees, are being electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Date: May 31, 2019

/Thad C. Kodish/
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CERTIFICATE OF SERVICE

In accordance with 37 CFR § 90.2(a)(1) and § 104.2, I hereby certify that on May 31, 2019, in addition to being filed electronically through the Board's E2E System, the original version of the foregoing, Petitioner's Notice of Appeal was filed by hand on the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2019, a true and correct copy of the foregoing, Petitioner's Notice of Appeal, along with a copy of the Final Written Decision, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(1), the undersigned certifies that on May 31, 2019, a complete and entire copy of this Petitioner's Notice of Appeal was provided via email, to the Patent Owner by serving the email correspondence addresses of record as follows:

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