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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DONNER TECHNOLOGY, LLC

Petitioner,

v.

PRO STAGE GEAR, LLC

Patent Owner

Case No. IPR2018-00708

U.S. Patent No. 6,459,023

PETITIONER DONNER TECHNOLOGY, INC.'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141-44 and 319, 37 C.F.R. §§ 90.2, 90.3, and 104.2, and Rule 4(a) of the Federal Rules of Appellate Procedure, Petitioner Donner Technology, Inc. (“Donner”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 47) entered by the Patent Trial and Appeal Board (the “Board”) on August 26, 2019, in IPR2018-00708, and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues for review on appeal include at least the following:

(i) the Board’s error in failing to find U.S. Patent No. 3,504,311 to Mullen et al. (“Mullen”) analogous art to U.S. Patent No. 6,459,023 (“the ’023 Patent”), including but not limited to, the Board’s failure to correctly apply the legal standard for analogous art under *In re Bigio*, 381 F.3d 1320 (Fed. Cir. 2004) and its progeny;

(ii) the Board’s error in failing to consider all evidence of record that demonstrates Mullen as being analogous art to U.S. Patent No. 6,459,023 (“the ’023 Patent”), including but not limited to, the Board’s failure to consider evidence directed to how Mullen would have commended itself to a person of ordinary skill in the art considering the problems addressed by the ’023 Patent;

(iii) the Board’s error in failing to find claims 9-11, 22-25, and 28-30 of the ’023 Patent unpatentable under 35 U.S.C. § 103(a) as obvious over the BOSS SCC-700 Sound Control Center Manual (“SCC-700 manual”) in view of Mullen;

(iv) the Board's error in failing to find claims 12 and 26 of the '023 Patent unpatentable under 35 U.S.C. § 103(a) as obvious over the SCC-700 manual in view of Mullen, further in view of U.S. Patent No. 6,215,055 to Saravis ("Saravis");

(v) the Board's error in failing to find claims 13 and 27 of the '023 Patent unpatentable under 35 U.S.C. § 103(a) as obvious over the SCC-700 manual in view of Mullen, further in view of U.S. Design Patent No. D339,612 to Carter et al. ("Carter");

(vi) any findings, determinations, and/or conclusions relating to the aforementioned issues as well as all other issues decided adversely to Donner in any orders, decisions, rulings and opinions.

Pursuant to 37 C.F.R. § 90.3(b), this Notice of Appeal is timely filed within 63 days of the Final Written Decision entered on August 26, 2019.

Simultaneous with this submission, Donner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Case No. IPR2018-00708

Patent No. 6,459,023

Dated: October 25, 2019

Respectfully submitted,

/Scott P. Amy/

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Attorneys for Petitioner

CERTIFICATE OF FILING AND SERVICE

This is to certify that the foregoing PETITIONER DONNER TECHNOLOGY, INC.'S NOTICE OF APPEAL was submitted to the following on October 25, 2019:

Office of the General Counsel Director of the United States Patent and Trademark Office Madison East 10B20 600 Dulany Street Alexandria, Virginia 22314	1 Copy, via Hand Delivery
Patent Trial and Appeal Board United States Patent and Trademark Office	1 Copy, via E2E
United States Court of Appeals for the Federal Circuit	1 Copy including \$500 fee, via CM/ECF
Clerk of Court for Court of Appeals for the Federal Circuit 717 Madison Place, N.W. Washington, D.C. 20439	3 Copies, via Federal Express
Douglas T. Johnson (Doug.Johnson@millermartin.com) M. Ellis Lord (Ellis.Lord@millermartin.com) Pharan A.S. Evans (Pharan.Evans@millermartin.com) Miller & Martin, PLCC Suite 1200 Volunteer Building 832 Georgia Avenue Chattanooga, TN 37402	1 Copy, via email

Dated: October 25, 2019

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