

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner

v.

VEVEO, INC.
Patent Owner

Case IPR2019-00292
Patent 7,937,394

**PATENT OWNER'S NOTICE OF APPEAL OF FINAL
WRITTEN DECISION AND ORDER DENYING PATENT
OWNER'S REQUEST ON REHEARING**

via PTAB E2E
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®
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

INTRODUCTION

Veveo, Inc.'s ("Patent Owner") appeal stems from the Patent Trial and Appeal Board's Judgement Final Written Decision Determining All Challenged Claims Unpatentable 35 U.S.C. § 318(a) entered on June 30, 2020 (Paper 52, "Final Written Decision"), and the Order Denying Patent Owner's Request on Rehearing 37 C.F.R. § 42.71 entered on March 25, 2020 (Paper 46, "Rehearing Request Denial") in the above-captioned *inter partes* review of United States Patent No. 7,937,394 ("the '394 Patent"). This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

PATENT OWNER'S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 52) and the Rehearing Request Denial (Paper 46).

PATENT OWNER'S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner's issues on appeal include at least (Paper 52, 68): (i) the Board's finding that claims 1, 2, 4, 5, 6, 10, and 11 of the '394 Patent are unpatentable as obvious over the combination of Gross and Smith; (ii) the Board's finding that claims 3, 8, and 9 of the '394

Patent are unpatentable as obvious over the combination of Gross, Smith, and Sanders; (iii) the Board's finding that claim 7 of the '394 Patent is unpatentable as obvious over the combination of Gross, Smith, and Weeren; (iv) the Board's denial of Patent Owner's Request for Rehearing of the Board's Denial of Authorization to File a Motion to Stay or Terminate This Proceeding in Light of *Arthrex*; and (v) any finding or determination supporting or related to the aforementioned issues, including claim constructions, as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Patent Owner 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.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/

Jason D. Eisenberg
Registration No. 43,447
Attorney for Patent Owner

Date: August 27, 2020
1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

CERTIFICATION OF FILING

The undersigned certifies that, along with being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PATENT OWNER'S REQUEST ON REHEARING** is being filed by U.S.P.S. Priority Mail Express® with the Director on August 27, 2020 at the following address:

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

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PATENT OWNER'S REQUEST ON REHEARING** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on August 27, 2020.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
/Jason D. Eisenberg/
Jason D. Eisenberg
Registration No. 43,447
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1100 New York Avenue, N.W.
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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION AND ORDER DENYING PATENT OWNER'S REQUEST ON REHEARING** was served electronically via e-mail on August 27, 2020, in its entirety on the following:

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