

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
Petitioner,

v.

CUSTOMPLAY, LLC,
Patent Owner.

Case IPR2018-01496

Patent 8,494,346

PATENT OWNER'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8, P.O. Box 1450
Alexandria, VA 22313-1450

Patent Owner CustomPlay, LLC (“CustomPlay”), hereby provides notice pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 34) entered March 4, 2020 by the Patent Trial and Appeal Board, holding claims 4-6 and 10-20 of CustomPlay’s U.S. Patent No. 8,494,346 to be unpatentable, and from the Patent Trial and Appeal Board’s denial of CustomPlay’s Request for Rehearing (Paper 39) entered June 26, 2020, as well as from all underlying orders, decisions, rulings, and opinions entered in the above-captioned proceeding.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), CustomPlay submits that the appeal will address all aspects of the decision purporting to conclude that claims 4-6 and 10-20 of U.S. Patent No. 8,494,346 are unpatentable, and any finding or determination supporting or related to that decision. CustomPlay further reserves the right to challenge any other issues decided against CustomPlay in any order, decision, ruling, or opinion by the Patent Trial and Appeal Board in the above-captioned proceeding.

In addition to filing this Notice of Appeal with the Director, CustomPlay is filing a copy with the Patent Trial and Appeal Board and with the Clerk of the United States Court of Appeals for the Federal Circuit together with the required docketing fee.

Dated: August 26, 2020

Respectfully submitted,

Case No. IPR2018-01496

Patent No. 8,494,346

/s/ Bryan E. Wilson

Bryan E. Wilson, (Reg. No. 70,086)

CAREY RODRIGUEZ

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Counsel for CustomPlay, LLC

CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End (PTAB E2E) system, the original version of the foregoing was served via express courier this 26th day of August 2020, with 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 Solicitor
United States Patent and Trademark Office
Mail Stop 8, P.O. Box 1450
Alexandria, VA 22313-1450

Additionally, and pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on August 26, 2020, a complete and entire copy of the foregoing was served via express courier and by email upon the following counsel of record for the Petitioner:

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CERTIFICATE OF FILING

I hereby certify that true and correct copies of the foregoing were filed via CM/ECF and express courier this 26th day of August 2020, with the United States Court of Appeals for the Federal Circuit at the following address:

Hon. Peter R. Marksteiner, Circuit Executive and Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Room 401
Washington, DC 20439

Date: August 26, 2020

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