

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INFERNAL TECHNOLOGY, LLC and
TERMINAL REALITY, INC.,

Plaintiffs,

v.

SONY INTERACTIVE ENTERTAINMENT
LLC,

Defendant.

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Case No. 2:19-cv-248-JRG-RSP

**DEFENDANT SONY INTERACTIVE ENTERTAINMENT LLC’S
NOTICE OF CROSS-APPEAL**

Notice is hereby given that Defendant Sony Interactive Entertainment LLC (“Sony”) in the above-captioned case hereby cross-appeals to the United States Court of Appeals for the Federal Circuit.

Plaintiffs have appealed (Dkt. No. 387) the District Court’s December 7, 2021 Final Judgment (Dkt. No. 357) and, in particular, the District Court’s portion of the Judgment stating that “Defendant did not infringe any of the Asserted Claims,” and the District Court’s Memorandum and Order Denying Plaintiffs’ Motion for a New Trial entered on March 17, 2022 (Dkt. No. 385) refusing to vacate that portion of the Judgment and to order a new trial.

Sony cross-appeals the District Court’s Memorandum Opinion and Order (Dkt. 356) finding that Claim 1 of U.S. Patent No. 6,362,822 (the “’822 Patent”) and Claims 1, 27, and 50 of U.S. Patent No. 7,061,488 (the “’488 Patent”) are not directed to an abstract idea. As such, pursuant to Federal Rules of Appellate Procedure 3 and 4(a)(3), Sony cross-appeals from the District Court’s Memorandum Opinion and Order (Dkt. 356) to challenge all orders, rulings, findings, and/or conclusions of any kind relating to the District Court’s Memorandum Opinion

and Order finding that Claim 1 of U.S. Patent No. 6,362,822 (the “’822 Patent”) and Claims 1, 27, and 50 of U.S. Patent No. 7,061,488 (the “’488 Patent”) are not directed to an abstract idea and therefore do not claim patent ineligible subject matter.

Sony also cross-appeals the District Court’s Memorandum Opinion and Order (Dkt. 386) denying Sony’s Motion for Attorney Fees Under 35 U.S.C. § 285 (Dkt. 368), entered in this action on March 17, 2022. As such, pursuant to Federal Rules of Appellate Procedure 3 and 4(a)(3), Sony cross-appeals from the District Court’s Memorandum Opinion and Order (Dkt. 386) to challenge all orders, rulings, findings, and/or conclusions of any kind relating to the District Court’s Memorandum Opinion and Order denying Sony’s Motion for Attorney Fees. {

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$500.00) as required by 28 U.S.C. § 1917, Federal Circuit Rule 52(a)(2), Federal Rule of Appellate Procedure 3(e), and the U.S. District Court for the Eastern District of Texas fee schedule.

Dated: April 25, 2022

Respectfully submitted,
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on April 25, 2022 and, therefore, served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Eric A. Buresh

Eric A. Buresh