

Filed on behalf of Personal Audio, LLC
By: Michael J. Femal

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELECTRONIC FRONTIER FOUNDATION,

Petitioner

v.

PERSONAL AUDIO, LLC

Patent Owner

Case IPR2014-00070
Patent 8,112,504 B2

Personal Audio's Notice of Appeal

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Personal Audio, LLC (“Personal Audio”) hereby appeals to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141 and 142 from the Final Written Decision of the Patent Trial and Appeal Board entered on April 10, 2015 (Paper 41) (the “Final Written Decision”), rehearing denied July 17, 2015 (Paper 45), and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s application and use of the broadest reasonable interpretation standard, claim construction, institution of *Inter Partes* review, determination of unpatentability of claims 31-35 of U.S. Patent No. 8,112,504 B2 (the ‘504 Patent) under 35 U.S.C. §§ 102 and 103, whether the Patrick/CBC disclosure is enabling, whether the United States Patent and Trademark Office exceeded its statutory authority under 35 U.S.C. § 314, whether actions to revoke or cancel a patent must be adjudicated in Article III Courts, whether the *Inter Partes* Review proceedings and Final Written Decision violates Personal Audio’s Seventh Amendment rights, whether Personal Audio’s

constitutional rights were waived despite giving the PTO notice of the jury verdict, and any finding or determination supporting or related to those issues, as well as other issues decided adversely to patent owner Personal Audio in any orders, decisions, rulings and opinions.

Simultaneously with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, three copies of this Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: September 16, 2015

Respectfully Submitted:

/Michael J. Femal/
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CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Patent and Trial Board's Patent Review Processing System (PRPS), the original version of the foregoing Patent Owner Personal Audio's Notice of Appeal was filed by Express Mail Label EK 799475295 US on this 16th day of September, 2015, 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

CERTIFICATE OF SERVICE

I hereby certify that the Final Decision, Order on Rehearing and a correct copy of the foregoing Patent Owner Personal Audio's Notice of Appeal was filed electronically with the United States Court of Appeals for the Federal Circuit on this 16th day of September, 2015, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Patent Owner Personal Audio's Notice of Appeal was served by US mail on this 16 th day of September, 2015, on the following counsel of record for Petitioner Electronic Frontier Foundation.

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September 16, 2015.

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