

Filed on behalf of Collabo Innovations, Inc.  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY CORPORATION,  
Petitioner,

v.

COLLABO INNOVATIONS, INC.,  
Patent Owner.

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Case IPR2016-00941  
U.S. Patent No. 5,952,714

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**PATENT OWNER'S NOTICE OF APPEAL**

via hand delivery

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

Pursuant to 35 U.S.C. § 141 and 37 C.F.R. § 90.2, notice is hereby given that Patent Owner Collabo Innovations, Inc. (“Collabo”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in IPR2016-00941 that the Patent Trial and Appeal Board (“PTAB”) entered on October 3, 2017 (Paper No. 28) and from all underlying orders, decisions, rulings and opinions, including, without limitation the Decision on Institution of *Inter Partes* Review entered on October 13, 2016 (Paper No. 6).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Collabo states that the issues on appeal include, but are not limited to: (1) the PTAB’s decision that Petitioner had met its burden of proving by a preponderance of the evidence that claim 1 was anticipated under 35 U.S.C. § 102(b) by Yoshino; JP Pat. Application Pub. No. S61-131690, to T. Yoshino et al. (“Yoshino”); claim 1 was obvious under 35 U.S.C. § 103(a) over JP Pat. Application Pub. No. H07-45803, to T. Wakabayashi et al., (“Wakabayashi”); claim 13 was obvious under § 103(a) over Yoshino and JP Pat. Application Pub. No. S59-225560, to M. Hikosaka, published (“Hikosaka”); and claim 13 was obvious under § 103(a) over Wakabayashi and Hikosaka; (2) the PTAB’s claim constructions and the PTAB’s consequent error in applying the claim constructions to determine that Petitioner had shown claims 1 and 13 to be unpatentable; (3) Whether the *inter partes* review process violates the Constitution by extinguishing private property rights through a non-Article III forum without a

jury; (4) Whether subjecting expired patents issued before the enactment of Leahy-Smith America Invents Act (AIA) Pub.L. 112–29, 125 Stat. 284-341 to the *inter partes* review process violates the Administrative Procedure Act (APA), Pub.L. 79–404, 60 Stat. 237 and (5) any finding or determination supporting or relating to those issues, as well as all other issues decided adversely to Collabo in any orders, decisions, rulings and opinions.

Simultaneous with this submission, three (3) copies of this Notice of Appeal are being filed with the Clerk of the United States Court of Appeals for the Federal Circuit, together with the requisite fee in the amount of \$500. In addition, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and served upon counsel of record for Patent Owner.

Dated: December 5, 2017

Respectfully submitted,



Nicholas C Kliwer  
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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(b), the undersigned hereby certifies that on December 5, 2017, the original of the foregoing Notice of Appeal was filed with the Director of the United States Patent and Trademark Office by hand-delivery, at the following address:

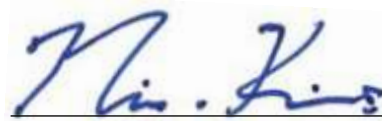
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10B20, Madison Building East  
600 Dulany Street  
Alexandria, VA 22314-5793

In addition, pursuant to 37 C.F.R. § 90.2(a)(1) and 37 C.F.R. § 42.6(b), the undersigned certifies that on December 5, 2017, a copy of the foregoing Notice of Appeal was filed electronically with the Board through the Board's End-to-End System.

In addition, pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), the undersigned certifies that on December 5, 2017, the requisite fee for the appeal and three (3) true and correct copies of the foregoing Notice of Appeal were filed with the Clerk of Court of the United States Court of Appeals for the Federal Circuit by hand-delivery, at the following address:

Daniel E. O'Toole  
Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW, Room 401  
Washington, DC 20439

In addition, the undersigned hereby certifies that document has been served via electronic mail on December 5, 2017, to Petitioner at following email addresses pursuant to its consent in its Updated Mandatory Notices (Paper 27): smith@smithbaluch.com, baluch@smithbaluch, gu@turnerboyd.com, and zweig@turnerboyd.com.



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