UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and NINTENDO OF AMERICA INC.,
Petitioners,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2021-01338
U.S. Patent No. 6,411,941 B1

PATENT OWNER'S NOTICE OF APPEAL

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, and 319, and 37 C.F.R. §§ 90.2(a) and 90.3(a), that Patent Owner Ancora Technologies, Inc., hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on January 25, 2023 in IPR2021-01338 (Paper 48), and from all underlying orders, decisions, rulings, and opinions that are adverse to Patent Owner, including, without limitation, those within the Decision on Institution of Inter Partes Review, entered on January 27, 2022 (Paper 9).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, but are not limited to, the Board's claim constructions, the Board's determination that claims 1–3, 6–14, and 16 are unpatentable over U.S. Patent No. 4,658,093 to Hellman ("Hellman") and U.S. Patent No. 5,892,906 to Chou ("Chou") and over Hellman, Chou, and U.S. Patent No. 5,933,498, the Board's determinations regarding object evidence of non-obviousness, and all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions; the Board's consideration and analysis of the expert testimony, prior art, and other evidence in the record; and the Board's factual findings, conclusions of law, or other determination supporting or relating to the above issues.

This Notice of Appeal is timely pursuant to 37 C.F.R. § 90.3, having been duly filed within 63 days after the Final Written Decision.

A copy of the Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, and the required docketing fee will be paid electronically using pay.gov.

If there is any fee due in connection with the filing of this Notice of Appeal, please charge the fee to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH EVEN TABIN & FLANNERY LLP

Dated: March 22, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, pursuant to 37 C.F.R. §§ 42.6(e)(4) and 90.2, the foregoing PATENT OWNER'S NOTICE OF APPEAL and all accompanying documents, were filed electronically via the PTAB E2E system, with the Patent Trial and Appeal Board on March 22, 2023, pursuant to 37 C.F.R. 42.6(b)(1), and that the foregoing Notice of Appeal and accompanying documents were served upon the Petitioner pursuant to 37 C.F.R. 42.6(e)(1) via electronic mail on March 22, 2023, by serving the attorneys of record below at PerkinsService-Nintendo-Ancora-IPR@perkinscoie.com:

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The undersigned further certifies that a copy of the foregoing Patent Owner's Notice of Appeal and accompanying documents were filed on March 22, 2023, with the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system and that the filing fee is being paid electronically using pay.gov.

Dated: March 22, 2023

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