

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAGIC LEAP, INC.
Petitioner,
v.
PERCEPT TECHNOLOGIES INC.
Patent Owner.

IPR2023-00494
Patent 9,010,929

PATENT OWNER'S NOTICE OF APPEAL

NOTICE is given, pursuant to 37 CFR §§ 90.2-90.3, that Patent Owner Percept Technologies Inc. (“Percept”) appeals to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141, 142, and 319 from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on July 23, 2024 (Paper 21), and from all other underlying orders, decisions, rulings and opinions that were adverse to the Patent Owner.

In accordance with 37 CFR 90.2(a)(3)(ii), the expected issues on appeal will include, but are not limited to, challenges to the Board’s determinations that Petitioner proved by a preponderance of the evidence that claims 1–6, 8, 11, 17, and 22 of U.S. Patent No. 9,010,929 were unpatentable under 35 U.S.C. § 103, as well as to the Board’s underlying claim construction rulings and findings.

In addition to filing this Notice of Appeal with the Director, a copy is being filed with the Board, pursuant to 37 C.F.R. § 90.2(a)(1), and this Notice of Appeal, along with the required fees, will be filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit, pursuant to Fed. Cir. R. 15(a)(1).

Respectfully submitted,

Dated: September 23, 2024

/Tarek N. Fahmi/

Tarek N. Fahmi

Reg. No. 41,402

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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2024, in addition to being filed electronically through the Board's P-TACTS System, the original version of the foregoing Notice of Appeal has been served by email to the Director of the United States Patent and Trademark Office at the following address: efileSO@uspto.gov.

I hereby certify that on September 23, 2024, a true and correct copy of the foregoing Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF.

I hereby certify that on September 23, 2024, a true and correct copy of this Notice of Appeal has been served by email to counsel for the Petitioner at the following addresses:

Mehran Arjomand – MArjomand@mofo.com
Alex S. Yap – AYap@mofo.com
Bryan Blumenkopf – BBlumen@mofo.com
MagicLeap-Percept-IPR@mofo.com

The parties have agreed to electronic service in this proceeding.

Respectfully submitted,

Dated: September 23, 2024

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