

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOWARD INDUSTRIES, INC.

Petitioner,

v.

CAPSA SOLUTIONS LLC

Patent Owner.

IPR2023-01275

U.S. Patent No. 8,215,650

**PATENT OWNER'S NOTICE
OF APPEAL OF FINAL WRITTEN DECISION**

Via P-TACTS
Patent Trial and Appeal Board

Via efileSO@uspto.gov
Director, United States Patent and Trademark Office

Via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

Capsa Solutions LLC's ("Patent Owner") appeal stems from the Patent and Trial Appeal Board's Judgment Final Written Decision Determining All Challenged Claims Unpatentable 35 U.S.C. § 318(a) entered on February 18, 2025 (Paper 27, "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 8,215,650 ("the '650 Patent"). This notice of Patent Owner's appeal is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

PATENT OWNER'S APPEAL

Pursuant to 28 U.S.C. § 1295(a)(4)(A), 35 U.S.C. §§ 141-143, 37 C.F.R. §§ 90.2 – 90.3(a)(1) and Fed. Cir. R. 15, Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered February 18, 2025 (Paper 27) in IPR2023-01275, as well as all underlying orders and rulings.

PATENT OWNER'S ISSUES ON APPEAL

Providing the information required by 37 C.F.R. 90.2(a)(3)(ii), Patent Owner states that the issues on appeal may include, but not limited to the Board's finding of unpatentability of Claims 1-3, 5, 6, and 8 of U.S. Patent No. 8,215,650, including but not limited to: (1) the Board's finding of unpatentability of Claims 1-3, 5, 6, and 8 under 35 U.S.C. 103(a) based on the alleged prior art (2) any erroneous claim

construction adopted and/or applied in connection with the aforementioned findings, (3) the Board's consideration of the expert testimony, prior art, and other evidence in the record, (4) the Board's factual findings, conclusions of law, or other determinations supporting or related to those issues, including erroneous findings relating to the scope of the alleged prior art, motivation to combine/modify the references and obviousness, as well as other issues decided adversely to Patent Owner in any orders, decisions, rulings and opinions, and (5) any findings that conflict with the evidence of record and are not supported by substantial evidence and/or that conflict with applicable law.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2, a copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board, the Clerk's Office for the United States Court of Appeals for the Federal Circuit (along with the docketing fees), and by email to the Director of the United States Patent and Trademark Office at efileSO@uspto.gov.

Respectfully submitted,

Date: April 18, 2025

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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through P-TACTS, a true and correct copy of **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** is being filed with the Director of the United States Patent and Trademark Office at the following e-mail address: efileSO@uspto.gov.

The undersigned also hereby certifies that a true and correct copy of **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION**, along with a copy of the Final Written Decision, and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on the date below.

Respectfully submitted,

Date: April 18, 2025

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An Attorney for Patent Owner
Capsa Solutions LLC

IPR2023-01275
US Patent No. 8,215,650

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** was served by filing this document through P-TACTS, as well as by email on April 18, 2025, on the following counsel of record for Petitioner:

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