

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOAST INC.,

Petitioner,

v.

GRATUITY, LLC,

Patent Owner.

IPR2023-01408
U.S. Patent No. 9,741,050 B2

PATENT OWNER'S NOTICE OF APPEAL

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22314-5793

Pursuant to 35 U.S.C. §§ 141-44 and 319, and 37 C.F.R. § 90.2-90.3, notice is hereby given that Patent Owner Gratuity, LLC (“Gratuity”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered March 24, 2025 (Paper 29) in IPR2023-01408 and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 9,741,050 (the “’050 patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues on appeal may include, but are not limited to, the Board’s determination that Claims 1-13 of the ’050 patent are unpatentable as obvious under 35 U.S.C. 103(a); the Board’s consideration and/or lack of consideration of the expert testimony, prior art, and other evidence and arguments in the record; the Board’s factual findings, conclusions of law, or other determinations; as well as other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.3(b), this Notice of Appeal is timely, having been duly filed within 63 days after the Final Written Decision entered March 24, 2025.

A copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board, the Director of the U.S. Patent and Trademark Office, the Clerk's Office for the United States Court of Appeals for the Federal Circuit, and served on Petitioners.

Dated: May 20, 2025

DEVLIN LAW FIRM LLC

/ Alan Wright /

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CERTIFICATE OF FILING

I certify that the foregoing was filed electronically with the Board through the P-TACTS System, and a paper copy was filed by Priority Mail Express on January 6, 2023 with the Director of the United States Patent and Trademark Office, at the following address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

I further certify that a true and correct copy of the foregoing Notice of Appeal, along with the required filing fee, was filed electronically with the Court of Appeals for the Federal Circuit via CM/ECF on May 20, 2025.

/ Alan Wright /
Alan Wright

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on May 20, 2025, the foregoing document is being served via electronic mail upon the following counsel of record for Petitioner:

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