

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Walt Disney Parks and Resorts U.S., Inc.,

Petitioner,

v.

Agile Journeys LLC,

Patent Owner.

PTAB Case No. IPR2024-00029

U.S. Patent No. 7,212,983 B2

PATENT OWNER'S NOTICE OF CROSS-APPEAL

NOTICE OF CROSS APPEAL TO THE FEDERAL CIRCUIT

Pursuant to 35 U.S.C. §§ 141, 143, and 319, and 37 C.F.R. § 1.983, Patent Owner Agile Journeys LLC hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered by the Patent Trial and Appeal Board (“Board”) on April 14, 2025 (Paper 20) and from all orders, decisions, rulings, and opinions related thereto. Petitioner filed an initial notice of appeal on May 15, 2025 (Paper 21). This cross-appeal is timely under 37 C.F.R. § 90.3(a) and Rule 4(a)(3) of the Federal Rules of Appellate Procedure. In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues for cross-appeal include, but are not limited to:

- 1) Whether the Board erred in construing “software that selects” as software selecting a set of attractions from the first set based on information about the party but does not exclude “manual selection”;
- 2) Whether the Board erred in construing “substantially matches” as matches that are “more alluring than an unalluring match,” and excludes poor or low matches but does not exclude exact matches;
- 3) Whether the Board erred in concluding that claims 1, 3, 5, 7, 10, 12–14, 16, 17, 19, 20, 24, and 25 of the US Patent No. 7,212,983 are unpatentable as obvious over International Publication WO97/18534 (“Sim”) and U.S. Patent No. 6,938,066 (“Doi”);

- 4) Whether the Board erred in concluding that claims 4, 18, and 21 of the US Patent No. 7,212,983 are unpatentable as obvious over Sim, Doi, and U.S. Patent No. 5,978,770 (“Waytena”);
- 5) Whether the Board erred in concluding that claims 1, 3–5, 8, 10, 12–14, 16–21, 24, and 25 of the US Patent No. 7,212,983 are unpatentable as obvious over Waytena and U.S. Patent No. 5,758,257 (“Herz”);
- 6) Whether the Board erred in concluding that claim 7 of the US Patent No. 7,212,983 is unpatentable as obvious over Waytena, Herz, and Sim; and
- 7) Any further findings or determinations by the Director or the Board supporting or relating to the issues above, including the Board’s consideration of expert testimony, prior art, and other evidence on record; the Board’s claim constructions and applications thereof; and the Board’s factual findings, conclusions of law, and other determinations supporting or related to the issues listed above.

A copy of this Notice of Cross-Appeal is being filed simultaneously with the Board and the Clerk’s Office for the United States Court of Appeals for the Federal Circuit along with the required docketing fee.

Date: May 29, 2025

Respectfully submitted,

/s/ Jay P. Kesan

Jay P. Kesan (Reg. No. 37,488)

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that on May 29, 2025, I caused a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF CROSS-APPEAL to be served upon counsel of record via e-mail:

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Pursuant to 37 C.F.R. § 90.2(a)(1), I hereby certify that in addition to being filed electronically through the Board's P-TACTS System, this Petitioner's Notice of Appeal is being provided to the Director of the USPTO on May 29, 2025, by electronically filing to the email address as follows:

Director of the United States Patent and Trademark Office

c/o Office of the General Counsel

efileSO@uspto.gov

I hereby certify that on May 29, 2025, a true and correct a copy of the foregoing Petitioner's Notice of Appeal, along with a copy of the Final Written

Decision, was filed electronically with the Clerk's Office of the United States

Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully submitted,

Dated: May 29, 2025

By: /s/ Jay P. Kesan

Jay P. Kesan

Reg. No. 37,488

Counsel for Patent Owner