

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

AMERICAN GNC CORPORATION,
Patent Owner

IPR2024-00668
U.S. Patent No. 6,671,648

**PATENT OWNER AMERICAN GNC'S
NOTICE OF APPEAL**

By Electronic Filing

Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By Priority Mail Express

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

By Electronic Filing

Circuit Executive and Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

To the Director of the United States Patent and Trademark Office:

Pursuant to 35 U.S.C. §§ 141(c), 142 and 319 and 37 C.F.R. §§ 90.2(a), 90.3(a), and 42.75(e)(3), American GNC Corp. (“Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (“Board”) Final Written Decision entered on August 20, 2025 (Paper No. 52) (“Final Written Decision”), from the Director’s Order denying Patent Owner’s request for Director Review entered on November 5, 2025 (Paper No. 55) (“Decision on Director Review”), and from all underlying findings, determinations, rulings, opinions, orders, issues, and decisions regarding the inter partes review of U.S. Patent No. 6,671,648 (“the ’648 Patent”). A copy of the Final Written Decision

is attached as Exhibit 1. A copy of the Decision on Director Review is attached as Exhibit 2.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner identifies that the issues on appeal include, but are not limited to: the Board's interpretation and construction of the claims; the Board's determination that Petitioner showed by a preponderance of the evidence that claims 1 and 4 of the '648 Patent are unpatentable; whether the Board satisfied its obligation to provide a reasoned analysis sufficient to permit appellate review; 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; any findings or determinations supporting or related to those issues; all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

The Board issued its Final Written Decision on August 20, 2025. Patent Owner timely filed a request for Director Review on September 19, 2025 (Paper 53). The Director acted on that request by issuing its Decision on Director Review on November 5, 2025. This notice is therefore timely filed within sixty-three (63) days of the Board's decision as prescribed by 35 U.S.C. § 142, and 37 C.F.R. §§ 90.3(a)(1), 90.3(b)(1), and 42.75(e)(3). Patent Owner is concurrently filing this Notice of Appeal with the Director of the United States Patent and Trademark Office

and the Clerk of the United States Court of Appeals for the Federal Circuit, along with the required fees.

Dated: January 7, 2026

Respectfully submitted,

/s/ Corey Johanningmeier

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Reg. No. 76,896

Corey Johanningmeier, Back-Up Counsel

(pro hac vice)

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Counsel for Patent Owner

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 7, 2026 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 January 7, 2026.

/s/ Brenda Entzminger

Brenda Entzminger

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Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Petitioner has consented to e-mail service in this proceeding. Pursuant to 37 C.F.R. §42.6, the undersigned certifies that on January 7, 2026, a copy of the foregoing document was served by email upon the following counsel at the below email addresses:

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