

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT AND TRIAL APPEAL BOARD

DISNEY MEDIA & ENTERTAINMENT DISTRIBUTION LLC,
Petitioner

v.

DIGITAL MEDIA TECHNOLOGY HOLDINGS, LLC,
Patent Owner.

Case No. IPR2024-00736
U.S. Patent No. 7,574,725

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. § 141(c) and 37 C.F.R. §§ 90.2-90.3, Patent Owner Digital Media Technology Holdings, LLC (“Patent Owner”) hereby gives notice to the Director, pursuant to 35 USC 142, of its appeal to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Written Decision (Paper 40), entered on August 26, 2025 in the above-captioned proceeding. This Decision was the subject of a Petition for Director review filed on October 8, 2026, which was in turn decided on December 19, 2025, denying Director Review and maintaining the Written Decision. This Notice of Appeal is timely filed within sixty (63) days of the entry of the Board’s final decision as extended by the rules on account of the Petition for Director review.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to, whether the Board erred in adopting Petitioner’s proposed level of ordinary skill in the art at institution and relying on that heightened standard in its obviousness analysis; whether the Board erred in rejecting Patent Owner’s proposed constructions of the disputed claim terms and applying an incorrect construction in asserting obviousness; whether the Board abused its discretion by excluding or refusing to credit the testimony of Patent Owner’s experts; whether the Board erred in crediting Petitioner’s expert testimony; whether the Board erred in finding the claims at issue unpatentable, including, without limitation, whether substantial evidence supports the Board’s

finding that a person of ordinary skill in the art would have been motivated to combine Garfinkle (US 5,530,754) and Kosten (“Digital Distribution; A Coming Attraction,” *Film J. Int’l* (Sept.-Dec. 1999)); whether substantial evidence supports the Board’s finding that a person of ordinary skill in the art would have been motivated to combine Allen (US 5,909,638) with Garfinkle and Kosten; whether substantial evidence supports the Board’s determination that Claims 1, 4-7, and 9 would have been obvious over the combination of Garfinkle and Kosten; whether substantial evidence supports the Board’s determination that Claim 11 would have been obvious over the combination of Garfinkle, Kosten, and Allen; whether the Board erred by discounting or failing to properly weigh Patent Owner’s evidence of objective indicia of nonobviousness; and related issues of law and fact.

This Notice of Appeal is being filed simultaneously with the Director of the United States Patent and Trademark Office, the Board, and the Clerk’s Office for the United States Court of Appeals for the Federal Circuit

Dated: February 16, 2026

Respectfully submitted,

/Anthony H. Handal/
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Counsel for Patent Owner

CERTIFICATE OF FILING

Pursuant to 37 C.F.R. § 90.2(a)(1)(1), the undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Case Tracking System (P-Tacts), the original version of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was filed with the Director of the United States Patent and Trademark Office by email to:

efileSO@uspto.gov

The undersigned also certifies that on this date a copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL**, and the filing fee, were filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Dated: February 16, 2026

Respectfully submitted,

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** is being served on counsel of record by filing this document through P-TACTS and electronic mail.

Dated: February 16, 2026

Respectfully submitted,

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