

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EARLY WARNING SERVICES, LLC,
Petitioner

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner

Inter Partes Review No. IPR2024-01221
U.S. Patent No. 7,314,167

PETITIONER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141, 142, and 319; 28 U.S.C. § 1295; 37 C.F.R. §§ 90.2–90.3; Federal Rule of Appellate Procedure 15; and Federal Circuit Rule 15, Petitioner Early Warning Services, LLC (“Petitioner”) hereby gives notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision dated February 11, 2026 (Paper 34), and from all underlying findings, orders, decisions, rulings, and opinions adverse to Petitioner, including, without limitation, those underlying the Final Written Decision. A copy of the Final Written Decision is attached to this Notice.

In accordance with 37 C.F.R. § 90.2(a), Petitioner further notes that the issues on appeal include all issues decided adversely to Petitioner in any orders, decisions, rulings, and opinions. This will likely include, but is not limited to:

1. The Board’s determination that Petitioner has not established that claims 1, 2, 4, 5, 7, 8, 12, 13, 17, 19–21, 23, 24, 26, 27, 29, 30, 34, 39–41, and 43 of U.S. Patent No. 7,314,167 are unpatentable under 35 U.S.C. §§ 102 or 103, and any finding or determination (factual or legal) supporting that determination;
2. The Board’s claim constructions;
3. Whether the Board violated the Administrative Procedure Act (APA) and denied Petitioner due process by adopting new claim constructions following

institution without providing Petitioner adequate notice and a meaningful opportunity to respond;

4. The Board's determination that Petitioner's arguments regarding Exhibit 1010 were improper and forfeited;
5. Whether the Board violated the APA and denied Petitioner due process by prohibiting Petitioner from relying on the prior art of record from the original petition to meet a new claim construction adopted after institution;
6. The Board's denial of Petitioner's Motion to Exclude;
7. Whether the Board's final written decision was arbitrary, capricious, an abuse of discretion, not in accordance with law, and otherwise in violation of the APA; and
8. Whether the Board erred in any finding or determination supporting or relating to the above-referenced issues and any other issues decided adversely to Petitioner in any orders, decisions, rulings, or opinions of the Board.

In accordance with 37 C.F.R. 90.2(a)(1), copies of this Notice of Appeal are being filed simultaneously with the Patent Trial and Appeal Board and with the Director of the United States Patent and Trademark Office. In addition, this Notice of Appeal, along with the required docketing fees, is being filed electronically with the Clerk of the United States Court of Appeals for the Federal Circuit.

Dated: April 2, 2026

Respectfully submitted,

/Justin Krieger/
Justin Krieger (Reg. No. 47,719)
KILPATRICK TOWNSEND &
STOCKTON LLP
1400 Wewatta St.
Suite 600
Denver, CO 80202
Tel: 303.405.1486
Fax: 202.380.0913
jkrieger@ktslaw.com

Counsel for Petitioner

CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that, on April 2, 2026, a true and correct copy of the foregoing **PETITIONER'S NOTICE OF APPEAL** was filed electronically with the Patent Trial and Appeal Board through the P-TACTS system pursuant to 37 C.F.R. § 90.2(a)(1)(ii) and 37 C.F.R. § 42.6(b), and was filed electronically with the Director of the United States Patent and Trademark Office pursuant to 37 C.F.R. §§ 90.2(a)(1)(i) and 90.2(a)(3) by emailing the following email address indicated on the United States Patent and Trademark Office's web page for the Office of the General Counsel: efileSO@uspto.gov.

The undersigned further certifies that, on April 2, 2026, a true and correct copy of the foregoing **PETITIONER'S NOTICE OF APPEAL** and the filing fee was filed with the U.S. Court of Appeals for the Federal Circuit through the Court's electronic filing system, CM/ECF, pursuant to Federal Circuit Rules 15(a)(1), 25(a), and 25(b).

The undersigned further certifies that, on April 2, 2026, a true and correct copy of the foregoing **PETITIONER’S NOTICE OF APPEAL** was served on Patent Owner by filing through the P-TACTS system and by electronic delivery via email to the following:

VOLPE KOENIG P.C.
Brandon R. Theiss, BTheiss@vklaw.com
Daniel H. Golub, DGolub@vklaw.com
Ryan W. O’Donnell, RODonnell@vklaw.com
Robert D. Leonard, RLeonard@vklaw.com
Russell J. Rigby, rrigby@intven.com

Dated: April 2, 2026

By: /Justin Krieger/
Justin Krieger
Reg. No. 47,719
Counsel for Petitioner