

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TARGET CORPORATION  
Petitioner

v.

DESTINATION MATERNITY CORPORATION  
Patent Owner

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Case No. IPR2013-00532  
Patent RE43,531 E

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Dated: February 24, 2015

Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and  
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

**PATENT OWNER DESTINATION MATERNITY CORPORATION'S  
NOTICE OF APPEAL**

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
Madison Building East, 10B20  
600 Dulaney Street  
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Destination Maternity Corporation ("DMC") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on February 12, 2015 (Paper 76) (the "Final Written Decision"), finding claims 1, 2, 5, 6, 10, 11, and 15–17 of U.S. Patent No. RE43,531 E unpatentable; and from all underlying orders, decisions, rulings, and opinions leading to this Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), DMC further indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board's (1) claim construction (or lack thereof) for “just beneath the wearer’s breast area”, (2) determination of unpatentability of claim 1 under 35 U.S.C. § 102 and, by interdependence, the determination of unpatentability of claims 2, 5, 6, 10, 11, and 15–17; and (3) any finding or determination supporting or related to those issues, as well as all other issues decided adversely to DMC in any orders, decisions, rulings and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: February 24, 2015

Respectfully submitted,

**DLA PIPER LLP (US)**

/s/ Paul Taufer

Paul A. Taufer (USPTO Reg. No. 35,703)

Michael L. Burns (USPTO Reg. No. 57,593)

DLA Piper LLP (US)

One Liberty Place

1650 Market Street, Suite 4900

Philadelphia, PA 19103

Phone: (215) 656-3385

Facsimile: (215) 606-3385

[paul.taufer@dlapiper.com](mailto:paul.taufer@dlapiper.com)

[michael.burns@dlapiper.com](mailto:michael.burns@dlapiper.com)

Stuart Pollack (USPTO Reg. No. 43,862)

DLA Piper LLP (US)

1251 Avenue of the Americas

27th Floor

New York, NY 10020-1104

Phone: (212) 335-4964

Facsimile: (212) 884-

[stuart.pollack@dlapiper.com](mailto:stuart.pollack@dlapiper.com)

*Attorneys for Patent Owner, Destination  
Maternity Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS) on this 24th day of February, 2015, the original version of the foregoing, PATENT OWNER DESTINATION MATERNITY CORPORATION'S NOTICE OF APPEAL, was sent via overnight delivery on this 24th day of February, 2015, with the Director of the United States Patent and Trademark Office, at the following address:

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

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing, PATENT OWNER DESTINATION MATERNITY CORPORATION'S NOTICE OF APPEAL, was sent via overnight delivery on this 24th day of February, 2015 to the Clerk's Office of the United States Court of Appeals for the Federal Circuit:

United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W., Suite 401  
Washington, DC 20005

**CERTIFICATE OF SERVICE**

Pursuant to 37 CFR §§ 42.6 and 42.120, the undersigned certifies that a true and correct copy of the foregoing, PATENT OWNER DESTINATION MATERNITY CORPORATION'S NOTICE OF APPEAL, was provided via email to the Petitioner by serving the email correspondence address of record as follows on this 24th day of February, 2015:

R. Trevor Carter  
Daniel M. Lechleiter  
**Faegre Baker Daniels LLP**  
300 N. Meridian Street, Suite 2700  
Indianapolis, Indiana 46204-1750  
Phone: (317) 237-0300  
Fax: (317) 237-1000  
[trevor.carter@FaegreBD.com](mailto:trevor.carter@FaegreBD.com)  
[daniel.lechleiter@FaegreBD.com](mailto:daniel.lechleiter@FaegreBD.com)

*/s/ Paul Taufer*  
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Paul A. Taufer