

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

US ENDODONTICS, LLC,
Petitioner,

v.

GOLD STANDARD INSTRUMENTS, LLC,
Patent Owner.

Case PGR2015-00019
Patent 8,876,991 B2

PATENT OWNER GOLD STANDARD INSTRUMENTS, LLC'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 Dulany Street
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 35 U.S.C. §§ 141 and 142, and 37 C.F.R. §§ 90.2(a), 90.3, and 104.2, that Patent Owner, Gold Standard Instruments, LLC (“GSI”), hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on December 28, 2016 (Paper No. 54) (attached hereto as Exhibit 1) by the Patent Trial and Appeal Board (“PTAB”), and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), GSI indicates that the issue(s) on appeal include, but are not limited to:

1. Whether the PTAB erred in its findings and determination that Claims 12-16 of GSI’s U.S. Patent No. 8,876,991 B2 (“’991 Patent”) were eligible under Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) for Post-Grant Review under 42 C.F.R. § 42.200 *et seq.*
2. Whether the PTAB erred in its findings and determination that Claims 12-16 of the ’991 Patent are unpatentable under 35 U.S.C. § 112(a) for lack of enablement.

3. Whether the PTAB erred in its findings and determination that Claims 12-16 of the '991 Patent are unpatentable under 35 U.S.C. § 112(a) for lack of adequate written description.
4. Whether the PTAB erred in its findings and determination that Claims 12-16 of the '991 Patent are unpatentable under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2008/0032260 A1 to Luebke.
5. Whether the PTAB erred in any of its evidentiary findings and determinations adverse to GSI, including without limitation, excluding a portion of Exhibit 2034 as inadmissible hearsay and not excluding Exhibits 1006, 1020, and 1021.
6. Any other finding or determination (legal or factual) adverse to GSI, including, without limitation, any claim construction rulings and errors in interpreting the disclosure of the '991 Patent or any applied reference, all in view of the entire record and related evidence.

GSI reserves the right to challenge any other issues decided adversely to GSI in the Final Written Decision and/or any orders, decisions, or rulings underling the Final Written Decision.

Simultaneously with this submission, a copy of this Notice of Appeal is being filed with the PTAB. In addition, a copy of this Notice of Appeal, along with the required docketing fees, is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Date: March 1, 2017

Respectfully submitted,

/Joseph A. Hynds /
Joseph A. Hynds, Reg. No. 34,627

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CERTIFICATE OF FILING AND SERVICE

Filed Electronically via PTAB E2E

The undersigned hereby certifies that the foregoing PATENT OWNER GOLD STANDARD INSTRUMENTS, LLC'S NOTICE OF APPEAL and the Final Written Decision, was filed with the Patent Trial and Appeal Board on March 1, 2017, using the PTAB E2E System pursuant to 37 C.F.R. § 42.6(b)(1).

/Erik van Leeuwen/
Erik van Leeuwen
Litigation Operations Coordinator
Rothwell, Figg, Ernst & Manbeck, P.C.

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