

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OWENS CORNING,
Petitioner,

v.

FAST FELT CORPORATION,
Patent Owner.

Case No. IPR2015-00650
U.S. Patent No. 8,137,757 B2

PETITIONER OWENS CORNING'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-3, Petitioner Owens Corning appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on August 11, 2016 (Paper No. 32) (“Final Written Decision”), and from all underlying findings, determinations, rulings, opinions, orders and decisions regarding the *inter partes* review of U.S. Patent No. 8,137,757 (“’757 patent”). A copy of the Final Written Decision is attached.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Owens Corning states that the issues on appeal include, but are not limited to: the Board’s construction of the terms in claims 1, 2, 4, 6 and 7 of the ’757 patent; the Board’s determination that claims 1, 2, 4, 6 and 7 of the ’757 patent have not been shown by a preponderance of the evidence to be unpatentable as obvious by U.S. Patent No. 6,451,409 (“Lassiter”) in view of U.S. Patent No. 5,101,759 (“Hefele”); the Board’s determination that claims 1, 2, 4, and 6 of the ’757 patent have not been shown by a preponderance of the evidence to be unpatentable as obvious by Lassiter in view of U.S. Patent No. 5,597,618 (“Bayer”); the Board’s determination that claims 1, 2, 4, 6 and 7 of the ’757 patent have not been shown by a preponderance of the evidence to be unpatentable as obvious by Lassiter in view of U.S. Patent No. 6,875,710 (“Eaton”); the Board’s consideration of the level of skill in the art, expert testimony, prior art, the state of the art, and other evidence in the record;

and the Board's factual findings, conclusions of law, or other determinations supporting or related to those issues, as well as all other issues decided adversely to Owens Corning in any orders, decisions, rulings and opinions.

This Notice of Appeal is being e-filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with payment of the required docketing fees. In addition, copies of this Notice of Appeal are being filed simultaneously with the Patent Trial and Appeal Board.

Dated: September 2, 2016

Respectfully Submitted,

/s/ Mark W. McDougall

Mark W. McDougall

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CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End System (PTAB E2E), a copy of this Patent Owner's Notice of Appeal was filed by hand on September 2, 2016 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 General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Dated: September 2, 2016

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Attorney for Petitioner Owens Corning

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Appeal was filed electronically through the United States Court of Appeals for the Federal Circuit's CM/ECF system on September 2, 2016.

Dated: September 2, 2016

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/s/ Mark W. McDougall

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