

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

E. I. DU PONT DE NEMOURS AND COMPANY and
ARCHER-DANIELS-MIDLAND COMPANY,
Petitioners,

v.

FURANIX TECHNOLOGIES B.V.,
Patent Owner.

Case IPR2015-01838
Patent 8,865,921 B2

PETITIONERS' NOTICE OF APPEAL

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. 90.2(a), Petitioners E. I. du Pont de Nemours and Company and Archer-Daniels-Midland Company (collectively, “Petitioners”) hereby give notice of their appeal under 35 U.S.C. § 141(c) to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 43) issued by the Patent Trial and Appeal Board (“the Board”) on March 3, 2017 in the above-captioned proceeding, and from all other orders, decisions, rulings, and opinions underlying or related to the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to, the Board’s failure to construe the disputed claim terms; its misapplication of the law of obviousness in the context of overlapping ranges; and its decision that Petitioners did not show by a preponderance of the evidence that claims 1-5 and 7-9 of U.S. Patent 8,865,921 B2 are unpatentable as obvious under 35 U.S.C. § 103(a) and any finding or determination supporting or relating to that issue, as well as all other issues decided adversely to Petitioners or not considered in any orders, decisions, rulings, or opinions.

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: May 2, 2017

/Michael S. Marcus/

By: _____

Michael S. Marcus

Registration No.: 31,727

Dipu A. Doshi

Registration No.: 60,073

Jonathan W.S. England

Registration No.: 71,223

BLANK ROME LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Petitioners

CERTIFICATE OF FILING

Pursuant to 37 C.F.R. § 104.2, the undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End system, the original version of the foregoing **PETITIONERS' NOTICE OF APPEAL** was filed 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
Madison Building East, 10B20
600 Dulany Street
Alexandria, Virginia

The undersigned also certifies that a copy of the foregoing **PETITIONERS' 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.

CERTIFICATE OF FILING

The undersigned certifies that a copy of the foregoing **PETITIONERS'**
NOTICE OF APPEAL is being served on counsel of record by electronic mail.

Dated: May 2, 2017

/Jonathan W.S. England/

By: _____
Jonathan W.S. England
Registration No.: 71,223
BLANK ROME LLP
1825 Eye Street, NW
Washington, DC 20006-5403
(202) 420-2200
Attorney for Petitioner