

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

UUSI, LLC d/b/a NARTRON,
Patent Owner.

Case IPR2016-00908
Patent No. 5,796,183

**PATENT OWNER'S NOTICE OF APPEAL
PURSUANT TO 37 C.F.R. § 90.2(a)**

Pursuant to 35 U.S.C. §§ 141(c) and 319, and 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner UUSI, LLC d/b/a Nartron (“Nartron”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in Case No. IPR2016-00908 entered on September 17, 2020 (Paper 50) (“Final Written Decision” or “FWD”) by the Patent Trial and Appeal Board (“the Board”), and from all underlying orders, decisions, rulings, and opinions related thereto and included therein, to the extent that such were decided against Nartron.

This appeal is timely under 35 U.S.C. § 142, 37 C.F.R. § 90.3, and Rule 15(a)(1) of the Federal Rules of Appellate Procedure.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues that Nartron may raise in this appeal include, but are not necessarily limited to:

(1) The Board’s erroneous determination that a person of ordinary skill in the art (“POSITA”) would have had a motivation to combine U.S. Pat. No. 5,087,825 to Ingraham (“Ingraham I”) with U.S. Pat. No. 5,594,222 to Caldwell (“Caldwell”) (*see, e.g.*, FWD at 32);

(2) The Board’s failure to explain whether and why a POSITA would have had a reasonable expectation of success in combining Ingraham I with Caldwell, where Nartron specifically challenged the asserted Ingraham I/Caldwell combination on that ground (*see* Paper 21 at 27-30);

(3) The Board’s unexplained erroneous apparent determination that a

POSITA would have had a reasonable expectation of success in combining Ingraham I with Caldwell;

(4) The Board's erroneous determination that a POSITA would have had a reasonable expectation of success in combining U.S. Pat. No. 5,565,658 to Gerpheide ("Gerpheide") with Ingraham I and Caldwell (FWD at 26-27);

(5) The Board's erroneous determination that Petitioner's asserted combination of Ingraham I, Caldwell and Gerpheide meets all the elements of claims 40, 41, 43, 45, 61, 64-67, 69, 83, 85, 86, 88, 90, 91, 94, 96, 97, 99, 101, and 102 (FWD at 28-53);

(6) The Board's erroneous determination that claims 40, 41, 43, 45, 61, 64-67, 69, 83, 85, 86, 88, 90, 91, 94, 96, 97, 99, 101, and 102 are obvious over Ingraham I, Caldwell and Gerpheide (FWD at 28-53);

(7) The Board's erroneous determinations that a POSITA would have had: (i) a motivation to combine Gerpheide, Ingraham I and Caldwell with U.S. Pat. No. 5,341,036 to Wheeler ("Wheeler"); and (ii) a reasonable expectation of success in making such a combination (FWD at 53-55);

(8) The Board's erroneous ruling that claims 47, 48, 62, 63, and 84 are obvious over Ingraham I, Caldwell, Gerpheide and Wheeler (FWD at 53-58);

(9) The Board's erroneous claim constructions, whether explicit or implicit, to the extent that they led the Board to erroneously conclude that any

challenged claim was obvious;

(10) The Board's erroneous interpretations of the '183 patent or the cited prior art, whether explicit or implicit, to the extent that they led the Board to erroneously conclude that any challenged claim was obvious; and

(11) All other issues decided adversely to Nartron in any orders, decisions, rulings, and opinions underlying or supporting the FWD.

Per 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this notice is being filed with the Director of the U.S. Patent and Trademark Office, and a copy is also being filed with the Board. Per Federal Circuit Rule 15(a)(1) and 37 C.F.R. § 90.2(a)(2), Nartron is also filing this notice with the clerk of the Court of Appeals for the Federal Circuit, and paying the appeal fee set forth in Federal Circuit Rule 52.

Respectfully submitted,

Dated: October 16, 2020

By: /s/ Stephen Underwood
Stephen Underwood (Reg. # 77,977)
Lawrence M. Hadley (*pro hac vice*
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Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the date indicated below, a complete and entire copy of this submission is being provided by email to Petitioner's counsel, at the addresses of record set forth below:

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The undersigned further certifies that, in addition to being filed electronically through the Board's E2E System, a copy of the foregoing Notice of Appeal is being filed by hand on October 16, 2020 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, 1 OB20
600 Dulany Street
Alexandria, VA 22314-5793

The undersigned further certifies that, on October 16, 2020, a copy of the foregoing Notice of Appeal, along with a copy of the Final Written Decision, is being filed electronically with the Clerk's Office of the United States Court of Appeals for

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