

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TILE, Inc.,  
Petitioner,

v.

CELLWITCH Inc.,  
Patent Owner.

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Case IPR2020-00317  
U.S. Patent No. 8,872,655

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Before JONI Y. CHANG, KARA L. SZPONDOWSKI, and  
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

**PATENT OWNER CELLWITCH INC.'S  
NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner Cellwitch Inc. (“Cellwitch”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on May 13, 2021 (Paper 29), and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Cellwitch further indicates that the issues on appeal include, but are not limited to, whether the Patent Trial and Appeal Board (“PTAB”) erred in its determination that Petitioner Tile, Inc. proved by a preponderance of the evidence that claims 1–3, 10–15, 22, and 23 of U.S. Patent No. 8,872,655 are unpatentable, and any finding or determination supporting or related to this issue, as well as all other issues adverse to Patent Owner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice Appeal is being filed with the PTAB through the PTAB End to End System. In addition, a copy of the Notice of Appeal along with the required docketing fee, are being filed with the Clerk’s office for the United States Court of Appeals for the Federal Circuit.

Date: May 26, 2021

Respectfully submitted,

/s/ Nicole M. Jantzi

Nicole M. Jantzi, Lead Counsel

Registration No. 50,364

[njantzi@mwe.com](mailto:njantzi@mwe.com)

Paul M. Schoenhard, Back-up Counsel

(*pro hac vice* submitted)

[pschoenhard@mwe.com](mailto:pschoenhard@mwe.com)

Ian B. Brooks, Back-up Counsel  
Registration No. 66,709  
[ibrooks@mwe.com](mailto:ibrooks@mwe.com)  
McDermott Will & Emery LLP  
The McDermott Building  
500 North Capitol Street NW  
Washington, DC 20001  
*Attorneys/Agents for Patent Owner*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing PATENT OWNER CELLWITCH INC.'S NOTICE OF APPEAL was served via email on Petitioner at the addresses listed below:

<b>Lead Counsel</b>	<b>Back-up Counsel</b>
Kevin X. McGann FENWICK & WEST LLP 902 Broadway Suite 14 New York, NY 10010 Tel: 212-430-2600 Fax: 650-935-5200 Email: kmcgann@fenwick.com	Dargaye Churnet FENWICK & WEST LLP 555 California Street, Fl. 12 San Francisco, CA 94104 Tel: 415-875-2300 Fax: 650-935-5200 Email: dchurnet@fenwick.com

The undersigned certifies that the foregoing PATENT OWNER CELLWITCH INC.'S NOTICE OF APPEAL was served via Priority Mail Express to the Director of the United States Patent and Trademark Office at the address below:

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

The undersigned certifies that a copy of the foregoing Notice of Appeal, along with the required docket fee, was filed on the below date, with the Clerk's

Office for the United States Court of Appeals for the Federal Circuit through the  
Court's CM/ECF filing system.

Dated: May 26, 2021

/s/ Nikki Capitano  
Nikki Capitano  
**McDermott Will & Emery LLP**