

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NANOSYS, INC.
Petitioner

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS,
Patent Owner

Case IPR2020-00503
Patent 7,105,051 B2

**PETITIONER'S NOTICE OF APPEAL
OF FINAL WRITTEN DECISION**

via PTAB E2E
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®
Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8, Post Office Box 1450
Alexandria, VA 22313-1450

via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

Petitioner Nanosys, Inc.’s appeal stems from the Patent Trial and Appeal Board’s Final Written Decision Determining No Challenged Claims Unpatentable pursuant to 35 U.S.C. § 318 entered on August 16, 2021 (Paper 27) in the above-captioned *inter partes* review of United States Patent No. 7,105,051. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

PETITIONER’S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rule of Appellate Procedure and Federal Circuit Rule 15, Petitioner appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 27).

PETITIONER’S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner’s issues on appeal include at least: (i) the Board’s finding that claims 1–9, 11, 14, and 21 are not unpatentable as novel over Trentler; (ii) the Board’s findings that claim 10 is not unpatentable as obvious over the combination of Trentler and the Aldrich catalog; (iii) the Board’s finding that claims 2,3, and 15-18 are not unpatentable as obvious over the combination of Trentler and Murray 1993; (iv) the Board’s findings that claim 13 is not unpatentable as obvious over Trentler; (v) the Board’s findings that claims 4, 19, and 20 are not unpatentable as obvious over the combination of

Trentler and Alivisatos; (vi) the Board's findings that claims 1-9, 11, 13, 14, and 19-21 are not unpatentable as obvious over the combination of Alivisatos and Trentler; (vii) the Board's finding that claims 22 and 23 are not unpatentable as novel over Gao; (viii) the Board's finding that claims 22 and 23 are not unpatentable as novel over Alivisatos; and (ix) any finding or determination supporting or related to these issues, including claim constructions, as well as all other issues decided adversely to Petitioner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Petitioner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Byron L. Pickard/
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Date: October 18, 2021
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CERTIFICATION OF FILING

The undersigned certifies that, along with being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** is being filed by U.S.P.S. Priority Mail Express® with the Director on October 18, 2021 at the following address:

Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8, Post Office Box 1450
Alexandria, VA 22313-1450

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on October 18, 2021.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S
NOTICE OF APPEAL OF FINAL WRITTEN DECISION** was served
electronically via e-mail on October 18, 2021, in its entirety on the following:

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