

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WESTERN DIGITAL CORPORATION,  
WESTERN DIGITAL TECHNOLOGIES, INC., AND SANDISK, LLC,  
Petitioners

v.

MARTIN KUSTER,  
Patent Owner

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Case IPR2020-01391  
U.S. Patent No. 8,693,206

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**PATENT OWNER'S NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 90.2(a), Patent Owner Martin Kuster (“Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision dated February 10, 2022 (Paper 46), and from all underlying findings, orders, decisions, rulings, and opinions that are adverse to Patent Owner. A copy of the Final Written Decision is attached to this Notice.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include all issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions. This will likely include, but is not limited to:

1. Whether the Board erred in its determination that claims 11, 12, and 14-19 of U.S. Patent No. 8,693,206 (“the ’206 Patent) are unpatentable under 35 U.S.C. § 103, and any finding or determination (factual or legal) supporting that determination;

2. Whether the Board erred in its determination that the Hsiao reference qualifies as prior art to the ’206 Patent, including without limitation the legal standard for corroborating prior conception and reduction to practice by the inventor before Hsiao;

3. Whether the Board erred in its claim constructions, including but not limited to its construction of “connection fingers...embedded to be exposed upon

the cover of the contact bar,” and its determination that Hsiao discloses the claimed invention, including but not limited to the recited “connection fingers...embedded to be exposed upon the cover of the contact bar;” and

4. Whether the Board erred in any finding or determination supporting or relating to the above-referenced issues and any other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions of the Board.

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2, this Notice of Appeal is being filed on the date below with the United States Patent and Trademark Office by way of hand delivery to the Office of the General Counsel:

Office of the General Counsel  
United States Patent and Trademark Office  
Madison Building East, Room 10B20  
600 Dulany Street  
Alexandria, Virginia 22314

This Notice of Appeal also is being filed on the date below with the Director of the United States Patent and Trademark Office by way of first class mail to the Office of the General Counsel:

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

Pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15, this Notice of Appeal is being filed electronically on the date below with the United States Court

of Appeals for the Federal Circuit along with the required docketing fees, and one paper copy of the Notice of Appeal is being provided to the Clerk's Office:

Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW, Room 401  
Washington, DC 20439

Dated: April 13, 2022

Respectfully submitted,

/ David A. Reed /

David A. Reed  
Reg. No. 61,226

*Counsel for Patent Owner*

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the date below a copy of the foregoing **PATENT OWNER’S NOTICE OF APPEAL** was served electronically via email upon the following:

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Dated: April 13, 2022

*/ David A. Reed /*  
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