

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REG SYNTHETIC FUELS, LLC
Petitioner

v.

NESTE OIL OYJ
Patent Owner

IPR2013-00178
U.S. Patent No. 8,212,094

**PATENT OWNER NESTE OIL OYJ'S
NOTICE OF APPEAL**

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner Neste Oil Oyj (“Neste”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in IPR2013-00178 entered on August 29, 2014 (Paper No. 63), and from all underlying findings, orders, decisions, rulings, and opinions, including, without limitation, those within the Decision on Institution of *Inter Partes* Review entered on September 4, 2013 (Paper No. 22).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Neste states that the issues on appeal include, but are not limited to: the decision of the Patent Trial and Appeal Board (“the Board”) denying Neste’s motion to amend U.S. Patent No. 8,212,094, including the legal standards applied by the Board as to issues of written description and obviousness; the burden of proof applied by the Board; the Board’s failure to consider the prior art as a whole or the proposed claims as a whole; the Board’s conclusion that Neste did not establish that claim 30 is patentably distinct from claim 21; the Board’s conclusion that Neste did not meet its burden to show adequate written description support for proposed claims 21 and 24-30; the Board’s conclusion that Neste did not meet its burden to show that proposed

claims 21-30 would not have been obvious over the prior art and are otherwise patentable; and any findings or determinations supporting or relating to those issues, as well as all other issues decided adversely to Neste in any orders, decisions, rulings, or opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, three copies of this Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: September 18, 2014

By: / Michael J. Flibbert /
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***Counsel for Patent Owner in
IPR2013-00178***

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(b)(1), 90.2(a)(1) and 104.2(b), the undersigned hereby certifies that on September 18, 2014, the foregoing **PATENT OWNER NESTE OIL OYJ'S NOTICE OF APPEAL** was filed electronically with the Patent Trial and Appeal Board through the Board's Patent Review Processing System and the original was served by hand on 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, VA 22314-5793

Pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), the undersigned hereby certifies that on September 18, 2014, the requisite fee for the appeal and three (3) copies of the foregoing **PATENT OWNER NESTE OIL OYJ'S NOTICE OF APPEAL** were served by hand on the Clerk of the Court of the United States Court of Appeals for the Federal Circuit at the following address:

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

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER NESTE OIL OYJ'S NOTICE OF APPEAL** was served electronically via e-mail on September 18, 2014, in its entirety on the following:

Joseph P. Meara
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Petitioner has agreed to electronic service.

/Maureen D. Queler/