

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMP PLUS, INC., dba ELCO LIGHTING,
Petitioner,

v.

DMF, INC.,
Patent Owner.

IPR2019-01094
Patent 9,964,266 B2

Before CHRISTOPHER L. CRUMBLEY, JEFFREY W. ABRAHAM, and
DEBRA L. DENNETT, *Administrative Patent Judges*.

PETITIONER'S CORRECTED NOTICE OF APPEAL

Petitioner AMP Plus, Inc. dba ELCO Lighting (“ELCO” or “Petitioner”) hereby corrects its previously filed Notice of Appeal (Paper 82) to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered by the Patent Trial and Appeal Board on March 27, 2023 (Paper 78). The Federal Circuit docketed the appeal on June 9, 2023 as Appeal No. 2023-1997.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner states that that the issues on appeal may include, but are not limited to, whether the Board erred in determining that claim 22 of U.S. Patent No. 9,964,266 (the ‘266 Patent”) was not shown to be unpatentable, and all findings supporting or related to the Board’s determination, including but not limited to the Board’s failure to properly consider evidence of record, the Board’s legal errors in undertaking the anticipation and obviousness analyses, and the Board’s findings that conflict with the evidence of record and are not supported by substantial evidence.

Date: June 28, 2023

/Bruce D. Kuyper/

Bruce D. Kuyper

Reg. No. 33,937

Lead Counsel for Petitioner

AMP Plus, Inc.

CERTIFICATE OF SERVICE
(37 C.F.R. § 42.6(e))

I certify that I served this document electronically (by consent) on the
Director (37 C.F.R. §§ 90.2(a)(1)) as follows on June 28, 2023:

Peter J. Ayers
Senior Counsel, Patent Law and Litigation &
Special Assistant United States Attorney (SAUSA)
Office of the Solicitor
United States Patent and Trademark Office
at Peter.Ayers1@uspto.gov

I also certify that I served this document electronically on counsel of record
for each opposing party as follows on June 28, 2023:

Lead Counsel for Patent Owner DMF, Inc.:

David W. Long at longdw@ergoiniq.com

Backup Counsel for Patent Owner DMF, Inc.:

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Date: June 28, 2023

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