

Filed on behalf of:

AQUA PRODUCTS, INC.

By:

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(Atty. Docket No. 220,604)

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEALBOARD

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ZODIAC POOL SYSTEMS, INC.

Petitioner

v.

AQUA PRODUCTS, INC.

Patent Owner

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Case IPR2013-00159

Patent No. 8,273,183

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Before BRIAN J. McNAMARA, RAMA G. ELLURU, and JAMES B. ARPIN

**PATENT OWNER AQUA PRODUCTS 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 35 U.S.C. § 141 and 37 C.F.R. § 90.2, Patent Owner, Aqua Products, Inc. (“Aqua Products”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in IPR2013-00159, entered August 22, 2014 (Paper 71), and from all underlying orders, decisions, rulings, and opinions regarding Aqua Products U.S. Patent No. 8,273,183 (“the ‘183 patent”), including, without limitation, the Decision - Institution of *Inter Partes* Review entered on August 23, 2013 (Paper 18) and the Decision – Motion for Additional Discovery entered on October 18, 2013 (Paper 26).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Aqua Products indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s application and use of the broadest reasonable interpretation standard; claim construction; institution of *Inter Partes* Review of the ‘183 Patent; determination of unpatentability that claims 1, 2, 13, 14, 16, and 19-21 of the ‘183 patent are anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 3,321,787 by Myers (“Myers”); determination of unpatentability that claims 1-5 and 19-21 of the ‘183 patent are rendered obvious under 35 U.S.C. § 103(a) by U.S. Patent No.

3,936,899 by Henkin et al. (“Henkin”) and Myers; determination of unpatentability that claims 1-9 and 19-21 of the ’183 patent are rendered obvious under 35 U.S.C. § 103(a) by U.S. Patent No. 4,100,641 by Pansini (“Pansini”) and Myers; denial of Patent Owner’s Replacement Corrected Motion to Amend Claims; and any finding or determination supporting or relating to those issues, as well as all other issues decided adversely to Aqua Products in any order, decision, ruling, or opinion by the Patent Trial and Appeal Board in this Inter Partes Review Proceeding.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, three copies of this Notice along with the required docketing

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fees are being filed with the Clerk's Office for the United States of Appeals for the Federal Circuit.

Respectfully submitted,

Date: October 23, 2014

By: /s/Jeffrey A. Schwab  
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Counsel for Patent Owner,  
Aqua Products, Inc.

## **CERTIFICATE OF SERVICE AND FILING**

I hereby certify that on this 23rd day of October, 2014, the foregoing “PATENT OWNER AQUA PRODUCTS NOTICE OF APPEAL,” was filed with the Patent Trial and Appeal Board through the Board’s Patent Review Processing System, and true and correct copies thereof were filed and served as set forth below:

### **FILING BY OVERNIGHT FEDERAL EXPRESS**

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, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, Virginia

and

The Clerk’s Office of the United States Court of Appeals for the Federal Circuit (three true and correct copies), at the following address:

United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W., Suite 401  
Washington, DC 20005

SERVICE ELECTRONICALLY AND BY OVERNIGHT FEDERAL EXPRESS

I also hereby certify that on this 23<sup>rd</sup> day of October 2014, a true and correct copy of the foregoing “PATENT OWNER AQUA PRODUCTS NOTICE OF APPEAL,” was served, by electronic mail and overnight Federal Express Delivery, upon the following:

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Respectfully submitted,

October 23, 2014

/s/Jeffrey A. Schwab