

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ENVIROTAINER AB

Petitioner

v.

DOUBLEDAY ACQUISITIONS, LLC,

Patent Owner

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Case: IPR2022-00293

U.S. Patent No. 7,913,511

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

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

via U.S.P.S. Priority Mail Express®  
Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
P.O. Box 1450  
Alexandria, VA 22313-1450

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

Pursuant to 37 C.F.R. §§ 90.2 and 90.3 and to 35 U.S.C. §§ 141, 142, and 319, Petitioner Envirotainer AB hereby appeals to the U.S. Court of Appeals for the Federal Circuit from the Final Written Decision entered in IPR2022-00293 on November 28, 2023 (Paper 79), and from all underlying orders, decisions, rulings, and opinions that are adverse to Envirotainer. Under 37 C.F.R. § 90.3, this notice is timely filed within 63 days of the Board’s Final Written Decision. (Paper 79).

For the limited purpose of providing the Director with the information required by 37 C.F.R. 90.2(a)(3)(ii), Envirotainer indicates that the issues on appeal include, but are not limited to, the following:

- The Board’s determination that, for U.S. Patent No. 7,913,511 (“the ’511 patent”), Patent Owner established priority of invention over both WO2004/104498 (“Kuhn”) and U.S. Patent Publication 2004/0226309 (“Broussard”), and the determination that Kuhn and Broussard are not prior art for claims 1, 2, 7, 11, 30, and 31 of the ’511 patent.
- The Board’s determination that claims 1 and 2 of the ’511 patent are not unpatentable under 35 U.S.C. § 102(a) over Kuhn.
- The Board’s determination that claims 7, 9, 10, 30, and 31 of the ’511 patent are not unpatentable under 35 U.S.C. § 103 over Kuhn, WO2004/045987 (“Loeffler”), GB 1,117,899 (“Sinclair”), Broussard, U.S.

Patent No. 5,082,335 (“Cur”), and/or U.S. Patent Publication 2003/0019870 (“Ekerot”).

- All other issues decided adversely to Envirotainer in any orders, decisions, findings, rulings, and opinions underlying or supporting the Final Written Decision including, but not limited to, conception, diligence, reduction to practice, and secondary considerations (including nexus).

Simultaneous with this submission to the Director of the United States Patent and Trademark Office, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and served upon Patent Owner. In addition, 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 via CM/ECF.

Dated: January 26, 2024

By: /Wesley C. Achey/

Wesley C. Achey, Reg. No. 56,487

*LEAD COUNSEL FOR PETITIONER*

**CERTIFICATE OF SERVICE**

In accordance with 37 C.F.R. 90.2(a)(1) and § 104.2, I hereby certify that on January 26, 2024, in addition to being filed electronically through the Board's P-TACTS System, the original version of the foregoing, **PETITIONER ENVIROTAINER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION**, along with a copy of the Final Written Decision, was served by USPS Certified Mail on January 26, 2024, to 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  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF SERVICE**

I hereby certify that on January 26, 2024, a true and correct copy of the foregoing, Patent Owner's Notice of Appeal, along with a copy of the Final Written Decision, was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

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

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.8 and 42.6(e), the undersigned hereby certifies that the foregoing **PETITIONER ENVIROTAINER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** was served electronically in its entirety on the following counsel of record for Patent Owner:

<b><u>Lead Counsel</u></b>	<b><u>Backup Counsel</u></b>
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Dated: January 26, 2024

By: /Wesley C. Achey/

Wesley C. Achey, Reg. No. 56,487

*LEAD COUNSEL FOR PETITIONER*