

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

HAYWARD INDUSTRIES, INC.
Petitioner

v.

PENTAIR WATER POOL AND SPA, INC. and
DANFOSS LOW POWER DRIVES
Patent Owner

Case IPR2013-00285
Patent 8,019,479

PATENT OWNER PENTAIR'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

Patent Owner Pentair Water Pool and Spa, Inc. and Danfoss Low Power Drives (“Patent Owner”) hereby gives notice pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2(a), 90.3 and 104.2 of its appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision, Paper 47, of the Patent Trial and Appeal Board (“the Board”), entered November 19, 2014, and from all orders, decisions, rulings, and opinions, regarding Patent Owner's U.S.

Patent No. 8,019,479 (“the ‘479 Patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner's further indicates that the issues on appeal include, but are not limited to, the following:

- Whether the Board erred in its determination that claim 12 of the ‘479 Patent is unpatentable under 35 U.S.C. § 103(a), and any other finding or determination (legal or factual) supporting or relating to this determination, including without limitation the Board’s denial / dismissal of Patent Owners’s motion to exclude evidence (Paper 34) ; and including any adverse claim construction rulings, errors in interpreting the disclosure of references relied on, the erroneous decision to combine references and whether the combination of references, if so combined, would have resulted in the claimed invention, all in view of the entire record and supporting evidence.

Pentair reserves the right to challenge any finding or determination supporting or related to the issues listed above, and to challenge any other issues decided adversely to Pentair in the Final Written Decision and/or any orders, decisions or rulings underlying the final written decision.

Copies of Patent Owner’s Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the Clerk of the United States Court of Appeals for

the Federal Circuit.

Respectfully submitted,

Date: January 16, 2015

By: /Raye L. Daugherty/
Raye L. Daugherty
Reg. No. 47,933
Lead Counsel for Patent Owner

Date: January 16, 2015

By: /Joel A. Austin/
Joel A. Austin
Reg. No. 59,712
Back-up Counsel for Patent Owner

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CERTIFICATE OF FILING AND SERVICE

Filed Electronically via PRPS

The undersigned hereby certifies that the foregoing PATENT OWNER PENTAIR'S NOTICE OF APPEAL was filed with the Patent Trial and Appeal Board on January 16, 2015, using the PRPS System pursuant to 37 C.F.R. § 42.6(b)(1).

The undersigned hereby further certifies that on January 16, 2016, three true and correct copies of the foregoing PATENT OWNER PENTAIR'S NOTICE OF APPEAL and the Final Written Decision (along with the fee set forth in Federal Circuit Rule 52) were filed with the Federal Circuit via hand-delivery at the

following address:

Clerk of the Court
United States Court of Appeal for the Federal Circuit
717 Madison Place, N.W., Room 401
Washington, DC 20439

The undersigned hereby further certifies that on January 16, 2016, two true and correct copies of the foregoing PATENT OWNER PENTAIR'S NOTICE OF APPEAL and the Final Written Decision were served on the Director of the U.S. Patent and Trademark Office via hand delivery at the following address:

Michelle K. Lee
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

The undersigned hereby further certifies that on January 16, 2016, a copy of the foregoing PATENT OWNER PENTAIR'S NOTICE OF APPEAL was served via email on counsel for the Petitioner:

shalpern@mccarter.com

Respectfully submitted,

/Joel A. Austin/

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