

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TANDUS FLOORING, INC.
Petitioner,

v.

Patent of INTERFACE, INC.
Patent Owner.

Case IPR2013-00333
Patent No. 8,381,473

NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
BY PATENT OWNER INTERFACE, INC.

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

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Interface, Inc. (“Interface”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in IPR2013-00333 entered on December 8, 2014 (the “Final Written Decision”), and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision to Institute Trial for *Inter Partes* Review in **IPR2013-00333** entered on December 9, 2013 (Paper 16).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Interface further indicates that the issues on appeal include, but are not limited to, the Board’s determination of unpatentability of claims 6-15, 20-39, and 43-58 of U.S. Patent No. 8,381,473 (the “473 Patent”) under 35 U.S.C. §§ 102, 103; the Board's denial of Patent Owner's Motion to Amend with respect to the entry of proposed substitute claims 59 and 60; the Board’s application and use of the broadest reasonable interpretation standard; the Board's claim construction determinations; the Board’s application of its own claim construction; the Board’s application of a “hindsight” analysis; the Board’s conclusions regarding the *Graham*¹ factors; the Board’s findings relating

¹ *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

to the proper person of ordinary skill in the art; the Board's interpretation of the teaching of the prior art references; the Board's dismissal and disregard of un rebutted and undisputed evidence from persons of ordinary skill in the art; the Board's acceptance and consideration of evidence about the field of the art, prior art, and other matters relevant to patentability from persons not of ordinary skill in the art; the Board's findings with respect to objective indicia of non-obviousness; the Board's denial of Patent Owner's request to obtain evidence from Petitioner contrary to Petitioner's proffered obviousness case; the Board's denial of Patent Owners request to present tangible evidence at the hearing; and all findings or determinations supporting or related to those issues, as well as any other issues decided adversely to Interface in any orders, decisions, rulings and 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: February 6, 2015

By: /Kristin Doyle _____ /

Kristin Doyle
Reg. No. 44,807

*Counsel for Patent Owner Interface,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS), the original of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY PATENT OWNER INTERFACE, INC. is being filed by hand with 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, Room 10B20
600 Dulaney Street
Alexandria, VA 22314

I also certify that three (3) true and correct copies of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY PATENT OWNER INTERFACE, INC. and the prescribed fees were filed by hand on this 6th day of February, 2014, 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

I also certify that the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY PATENT OWNER INTERFACE, INC. was served on Petitioner by filing this document through the Patent Review Processing System, as well as by delivering a copy via electronic mail, addressed as follows:

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Dated: February 6, 2015

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