

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CB DISTRIBUTORS, INC. and
DR DISTRIBUTORS, LLC,
Petitioner,

v.

FONTEM HOLDINGS 1 B.V.,
Patent Owner.

Case IPR2013-00387
Patent No. 8,156,944 B2

Before JACQUELINE WRIGHT BONILLA, BRIAN J. McNAMARA, and
TRENTON A. WARD, *Administrative Patent Judges*.

PATENT OWNER FONTEM'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

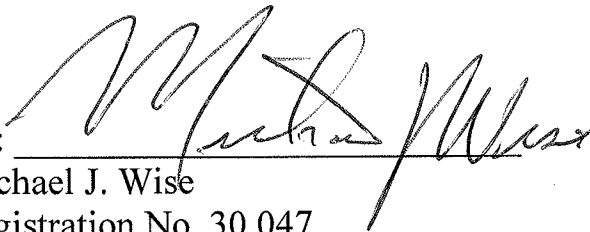
Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Fontem Holdings 1 B.V. (“Fontem”) hereby appeals under 35 U.S.C. §§ 141 and 142 to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on December 24, 2014 (Paper No. 43) (the “Final Written Decision”), and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Fontem further 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, determination of unpatentability of claims 1, 2, 5-8, 10, 33, 35, 37, and 38 of Fontem’s U.S. Patent No. 8,156,944 B2 (“the ’944 Patent”) under 35 U.S.C. § 102, determination of unpatentability of claims 1-4, 8-10, 12, 15-26, 33-34, 36, and 38 of the ’944 Patent under 35 U.S.C. § 103(a), and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Fontem 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 fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit. Furthermore, a copy of this Notice of Appeal is being served on CB Distributors, Inc. and DR Distributors, LLC.

Respectfully submitted this 20th day of February, 2015.

By: 

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CERTIFICATE OF FILING – 37 CFR 1.10

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's PRPS, the foregoing PATENT OWNER FONTEM'S NOTICE OF APPEAL was filed by PRIORITY MAIL EXPRESS, Express Mail Label No. EM448054692US, on this 20th day of February, 2015, 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, United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF FILING

I hereby certify that three (3) true and correct copies of the foregoing PATENT OWNER FONTEM'S NOTICE OF APPEAL were filed via FEDERAL EXPRESS, Tracking No. 772957666057, on this 20th day of February, 2015, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

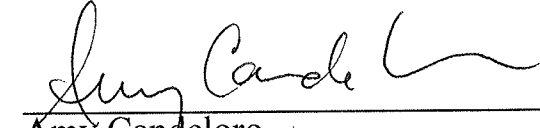
Hon. Daniel E. O'Toole, Esq., Clerk
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this PATENT OWNER FONTEM'S NOTICE OF APPEAL was served via electronic mail and PRIORITY MAIL EXPRESS, Express Mail Label No. EM494530399US, on this 20th day of February, 2015 upon the following:

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