

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARGET CORPORATION
Petitioner

v.

DESTINATION MATERNITY CORPORATION
Patent Owner

Case No. IPR2013-00532
Patent RE43,531 E

Dated: February 24, 2015

Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

**PATENT OWNER DESTINATION MATERNITY CORPORATION'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 Dulaney Street
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Destination Maternity Corporation ("DMC") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on February 12, 2015 (Paper 76) (the "Final Written Decision"), finding claims 1, 2, 5, 6, 10, 11, and 15–17 of U.S. Patent No. RE43,531 E unpatentable; and from all underlying orders, decisions, rulings, and opinions leading to this Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), DMC further indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board's (1) claim construction (or lack thereof) for “just beneath the wearer’s breast area”, (2) determination of unpatentability of claim 1 under 35 U.S.C. § 102 and, by interdependence, the determination of unpatentability of claims 2, 5, 6, 10, 11, and 15–17; and (3) any finding or determination supporting or related to those issues, as well as all other issues decided adversely to DMC 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 and the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: February 24, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS) on this 24th day of February, 2015, the original version of the foregoing, PATENT OWNER DESTINATION MATERNITY CORPORATION'S NOTICE OF APPEAL, was sent via overnight delivery on this 24th 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
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing, PATENT OWNER DESTINATION MATERNITY CORPORATION'S NOTICE OF APPEAL, was sent via overnight delivery on this 24th day of February, 2015 to the Clerk's Office of the United States Court of Appeals for the Federal Circuit:

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 CFR §§ 42.6 and 42.120, the undersigned certifies that a true and correct copy of the foregoing, PATENT OWNER DESTINATION MATERNITY CORPORATION'S NOTICE OF APPEAL, was provided via email to the Petitioner by serving the email correspondence address of record as follows on this 24th day of February, 2015:

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