

Paper No. \_\_\_\_  
Date Filed: November 9, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

EDMUND OPTICS, INC.,  
Petitioner,

v.

SEMROCK, INC.,  
Patent Owner.

---

Case IPR2014-00583  
Patent 7,068,430

---

**EDMUND OPTICS, INC.'S NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§ 141-142, 319, and 37 C.F.R. §§ 90.2 and 90.3, Petitioner Edmund Optics, Inc. hereby gives notice of its appeal to the United States Court of Appeals for the Federal Circuit from the September 9, 2015 Final Written Decision by the United States Patent and Trademark Office Patent Trial and Appeal Board in *Inter Partes* Review IPR2014-00583, and from all orders, decisions, rulings, and opinions underlying the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Edmund Optics, Inc. gives further notice that the issues on appeal may include, but are not limited to, the following:

- (1) The Board's determination that claim 1 of U.S. Patent No. 7,068,430 has not been shown to be unpatentable;
- (2) The Board's construction of the term "expected deposition time  $t_i$  of the layer"; and
- (3) The Board's denial of Petitioner's Motion to Exclude Evidence.

Petitioner reserves the right to raise on appeal any finding or determination related to the issues listed above and to raise any other issue decided adversely to the Petitioner in the proceedings underlying the Final Written Decision.

Case IPR2014-00583  
Patent 7,068,430

Simultaneously with this submission, copies of the Petitioner's Notice of Appeal are 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.

Date: November 9, 2015

Respectfully submitted,

/Lynn E. Rzonca /  
Lynn E. Rzonca  
Registration No. 35,998

John A. Chionchio  
Registration No. 40,954

*Attorneys for Edmund Optics, Inc.*

BALLARD SPAHR LLP  
Customer Number 23859  
(678) 420-9300 Phone  
(678) 420-9301 Fax

**CERTIFICATE OF FILING**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS) on November 9, 2015, the original version of the foregoing, EDMUND OPTICS, INC.'S NOTICE OF APPEAL, was sent via Express Mail on November 9, 2015, 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 FILING**

I hereby certify that three (3) true and correct copies of the foregoing, EDMUND OPTICS, INC.'S NOTICE OF APPEAL, were filed via overnight delivery on November 9, 2015 to 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

Case IPR2014-00599  
Patent 7,119,960

**CERTIFICATE OF SERVICE**

The undersigned certifies that EDMUND OPTICS, INC.'S NOTICE OF APPEAL was served by electronic mail on November 9, 2015 on the following counsel of record:

James J. Boyle, Esq.  
Finnegan, Henderson, Farabow, Garrett & Dunner LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190-5675  
james.boyle@finnegan.com

Anthony J. Lombardi  
Finnegan, Henderson, Farabow, Garrett & Dunner LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190-5675  
anthony.lombardi@finnegan.com

Dated this 9th day of November 2015.

/Lynn E. Rzonca /  
Lynn E. Rzonca  
Registration No. 35,998

BALLARD SPAHR LLP  
Customer Number 23859  
(678) 420-9300 Phone  
(678) 420-9301 Fax

*Attorney for Edmund Optics, Inc.*