

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDMUND OPTICS, INC.,
Petitioner,

v.

SEMROCK, INC.,
Patent Owner.

Case IPR2014-00599
Patent 7,119,960

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 16, 2015 Final Written Decision by the United States Patent and Trademark Office Patent Trial and Appeal Board in *Inter Partes* Review IPR2014-00599, 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 claims 33-36, 39-41, 44 and 45 of U.S. Patent No. 7,119,960 have not been shown to be unpatentable;
- (2) The Board's decision that the MacLeod Treatise does not enable claim 33; 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.

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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 16, 2015

Respectfully submitted,

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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 16, 2015, the original version of the foregoing, EDMUND OPTICS, INC.'S NOTICE OF APPEAL, was sent via USPS Priority Mail Express on November 16, 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 a copy of the foregoing, EDMUND OPTICS, INC.'S NOTICE OF APPEAL, was filed by CM/ECF on November 16, 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

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CERTIFICATE OF SERVICE

The undersigned certifies that EDMUND OPTICS, INC.'S NOTICE OF APPEAL was served by electronic mail on November 16, 2015 on the following counsel of record:

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Dated this 16th day of November 2015.

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