

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHINN FU COMPANY OF AMERICA, INC.

and

SHINN FU CORPORATION

collectively, Petitioner

v.

THE TIRE HANGER CORPORATION

Patent Owner

Case IPR 2015-00208

Patent 6,681,897

Before WILLIAM V. SAINDON, BARRY L. GROSSMAN, and CARL M.
DEFRANCO, *Administrative Patent Judges*

PETITIONER SHINN FU'S NOTICE OF APPEAL

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

Pursuant to 35 U.S.C. §§ 141-142 and 37 C.F.R. §§ 90.2-90.3, notice is hereby given that Petitioners Shinn Fu Company of America, Inc. and Shinn Fu Corporation (collectively “Shinn Fu”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered by the U.S. Patent & Trademark Office on April 22, 2016 (Paper 24) granting Tire Hanger Corporation’s Motion to Amend (Paper 15), substituting new claims 6-10 for original claims 1-5 of U.S. Pat. No. 6,681,897.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Shinn Fu further indicates that the issues on appeal include, but are not limited to: (1) whether the USPTO committed reversible error by failing to address Shinn Fu’s arguments regarding the new claims; (2) whether the USPTO committed reversible error when considering the new claims by focusing only on modified combinations of the prior art used in the institution decision; and (3) whether Tire Hanger carried its burden of proving that its new claims are patentable.

Shinn Fu reserves the right to challenge any finding or determination supporting or relating to the issues listed above (as well as to challenge the lack of proper findings and determinations), and to challenge any other issues decided adversely to Shinn Fu in the Final Written Decision or in any other order, decision,

ruling, or opinion underlying the Final Written Decision.

Simultaneous with this submission, one copy of this Notice of Appeal is being filed with the Clerk of the United States Court of Appeals for the Federal Circuit, together with the requisite docketing fee in the amount of \$500. In addition, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and served upon counsel of record for Tire Hanger.

Respectfully submitted,



A. Justin Poplin, Reg. No. 53,476
Hissan Anis, Reg. No. 65,943
Lathrop & Gage LLP
2345 Grand Boulevard
Kansas City, Missouri 64108
Telephone: (913) 451-5100
Facsimile: (913) 451-0875
E-mail: jpoplin@lathropgage.com
hanis@lathropgage.com
Counsel for Petitioner Shinn Fu

June 23, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of Petitioner Shinn Fu's Notice of Appeal was filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS) on June 23, 2016 and was deposited in U.S. Express Mail directed to the Office of the General Counsel, at the following address:

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

AND I hereby certify that one copy of Petitioner Shinn Fu's Notice of Appeal was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on June 23, 2016 and one paper copy was sent via U.S. Express Mail to:

United States Court of Appeals for the Federal Circuit
c/o Clerk of the Court, Peter R. Marksteiner
717 Madison Place, N.W., Suite 401
Washington, DC 20005

AND I hereby certify that a copy of Petitioner Shinn Fu's Notice of Appeal was served on Patent Owner Tire Hanger on June 23, 2016 via U.S. Express mail to the attorneys of record at the following addresses:

Robert Fish
Joseph Andelin
2603 Main Street, Suite 1000
Irvine, California 92614

LATHROP & GAGE LLP



A. Justin Poplin, Reg. No. 53,476
Hissan Anis, Reg. No. 65,943
2345 Grand Blvd., Suite 2400
Kansas City, Missouri 64108
Phone: (913) 451-5100