

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BÖHLER-EDELSTAHL GMBH & CO. KG.,
Petitioner,

v.

ROVALMA, S.A.,
Patent Owner.

Case IPR2015-00150

Patent No. 8,557,056

Michael P. Tierney, Susan L. C. Mitchell, and Robert A. Pollock
Administrative Patent Judges

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c), 319 and 37 C.F.R. §§ 90.2(a), 90.3(a), notice is hereby given that Patent Owner Rovalma, S.A. (“Rovalma”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) in IPR2015-00150 entered on April 20, 2016 (Paper No. 42).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Rovalma states that the issues on appeal include, but are not limited to:

- (1) the Board’s failure to observe procedure required by law, including, but not limited to, 5 U.S.C. §§ 554, 556, and 557, 35 U.S.C. § 316;
- (2) the Board’s violation of Rovalma’s Due Process rights under U.S. Constitution Amendment V by failing to provide requisite notice and a full and fair opportunity to respond;
- (3) the Board exceeding its statutory authority, including by basing its Final Written Decision on facts and/or law other than those advanced in the Petition or stated to be part of the grounds upon which trial was instituted in the Institution Decision;
- (4) the Board’s impermissible shifting of the burden to Rovalma to show patentability in violation of 35 U.S.C. § 316(e), 5 U.S.C. § 556(d), and 37 C.F.R. § 42.20(c);

- (5) the Board's determination that Petitioner Böhler-Edelstahl GMBH & CO. KG. met its burden of proving by a preponderance of the evidence that claims 1-4 of U.S. Patent No. 8,557,056 ("the '056 patent") are unpatentable under 35 U.S.C. § 103; and
- (6) any findings or determinations related to issue (5) as well as all other issues decided adversely to Rovalma in any orders, decisions, rulings, and/or opinions.

With this submission, Petitioners are filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit, as described in the accompanying Certificate of Filing.

Dated: June 21, 2016

Respectfully submitted,

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Roalma S.A.

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PRPS, a true and correct copy of the **PATENT OWNER'S NOTICE OF APPEAL** is being filed with the Director on June 21, 2016, by hand at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22313

The undersigned also hereby certifies that a true and correct copy of the **PATENT OWNER'S NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on June 21, 2016.

/Marc Vander Tuig/
Marc W. Vander Tuig
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Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the **PATENT OWNER'S NOTICE OF APPEAL** was served electronically on June 21, 2016, upon the following counsel for Petitioner:

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