

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRUNSWICK CORPORATION and
SEA RAY BOATS, INC.
Petitioners

v.

COBALT BOATS, LLC
Patent Owner

CASE: IPR2015-01060

Patent No. 8,375,880

PETITIONERS' NOTICE OF APPEAL

Mail Stop: Patent Board
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Notice is hereby given that Petitioners Brunswick Corporation and Sea Ray Boats, Inc. (collectively, “Petitioner”) hereby appeals to the United States Court of Appeals for the Federal Circuit the Final Written Decision (Paper 78) dated September 28, 2016 in *inter partes* review IPR2015-01060 before the Patent Trial and Appeal Board.

Pursuant to 37 C.F.R. §90.2(a)(3)(ii), Petitioner submits that the appeal will address the decision holding that claims 2 and 4 of U.S. Patent No. 8,375,880 have not been shown, by a preponderance of the evidence, to be unpatentable as obvious over U.S. Patent Nos. 3,501,190 and 7,341,016, and holding that claim 5 of U.S. Patent No. 8,375,880 has not been shown, by a preponderance of the evidence, to be unpatentable as anticipated by U.S. Patent No. 4,432,436. The appeal will address, without limitation, the Board’s construction of the claim terms “arm” and “means for coupling said step with the boat,” and the Board’s assessment of the evidence and arguments offered by Petitioner in support of the invalidity of claims 2, 4, and 5 under constructions including those advanced by Petitioner, advanced by Patent Owner, and/or adopted by the Board.

A copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. A copy of this Notice of Appeal, along with a docketing fee of \$500.00, is being filed with the United States Court of Appeals for the Federal Circuit.

Dated: October 18, 2016

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End (PTAB E2E) filing system, the original version of the foregoing PETITIONERS' NOTICE OF APPEAL was filed by Express Mail on this 18th day of October, 2016, 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
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

The undersigned also hereby certifies that a true and correct copy of the foregoing PETITIONERS' NOTICE OF APPEAL and the filing fee is being filed via the electronic filing system, CM/ECF, with the United States Court of Appeals for the Federal Circuit on October 18, 2016 and one true and correct copy of the foregoing was sent by Express Mail on this 18th day of October, 2016 to the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

Office of the Clerk
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20439

It is further certified that on October 18, 2016, copies of the foregoing PETITIONERS' NOTICE OF APPEAL were served on Patent Owner as provided in 37 C.F.R. § 42.6(e) via electronic mail transmission addressed to the persons at the following addresses:

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