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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TELEBRANDS CORP.,
Petitioner

v.

TINNUS ENTERPRISES, LLC,
Patent Owner

Case PGR2015-00018
U.S. Patent 9,051,066

PATENT OWNER'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 35 U.S.C. §§ 329, 141(c) and 142, and 37 C.F.R. § 90.2, that Patent Owner Tinnus Enterprises, LLC and the exclusive licensee, ZURU Ltd. (collectively "Patent Owner"), hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (PTAB), entered on December 30, 2016 (Paper 75), in Proceeding No. PGR2015-00018, and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further states that the issues on appeal include, but are not limited to, the following: (1) the determination that claims 1-6, 8, and 10-14 of U.S. Patent No. 9,051,066 (the "'066 Patent") are indefinite under 35 U.S.C. § 112(b); (2) the Board's application of the indefiniteness standard articulated in *In re Packard*, 751 F.3d 1307, 1313 (Fed. Cir. 2014) to the claims of an issued patent; (3) the construction of "filled" being a "desired size or volume"; (4) the alleged ambiguity of the phrase "substantially filled" in claim 1; (5) the alleged ambiguity of expandable containers; (6) the allegation that there is no standard by which one of ordinary

skill in the art can measure "substantially" so as to understand what is claimed; (7) the Board's repeated statements, in its institution decision (Paper 7 at 14, 22, and 26) that it was applying the "reasonable likelihood" standard (applicable to *inter partes* reviews) instead of the "more likely than not" standard that applies to post-grant reviews; (8) the Board's erroneous reference to this proceeding being an "*inter partes* review" in its Final Written Decision (Paper 75 at 8); and (9) any finding or determination supporting or relating to these issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings and opinions.

Concurrently with this submission to the Director, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board (PTAB). A copy of this Notice of Appeal is also being filed via the CM/ECF system of the United States Court of Appeals for the Federal Circuit ("Federal Circuit"), and the requisite filing fee is being remitted to the Clerk's Office of the Federal Circuit via the pay.gov system. In addition, one (1) paper copy is being filed with the Clerk's Office of the Federal Circuit, in accordance with the Court's rules. No fees are believed to be due to the United States Patent and Trademark Office in connection with this filing, but authorization is hereby given for any required fees to be charged to Deposit Account No. 50-6190.

Dated: February 24, 2017

Respectfully submitted,

By: /Garet K. Galster/

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CERTIFICATE OF FILING AND SERVICE
(USPTO DIRECTOR AND FEDERAL CIRCUIT)

The undersigned certifies that the original version of this Patent Owner's Notice of Appeal is being filed by hand on February 24, 2017, 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
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

The undersigned also certifies that, pursuant to Federal Circuit Rule 15(a)(1), one (1) true and correct paper copy of this Patent Owner's Notice of Appeal is being filed by hand on February 24, 2017, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit at the following address:

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

The undersigned further certifies that, pursuant to Federal Circuit Rule 25(b)(1), this Patent Owner's Notice of Appeal is being filed with the Federal Circuit in Portable Document Format (PDF) via the CM/ECF system and pay.gov on February 24, 2017.

/Brendan E. Squire/
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CERTIFICATE OF FILING AND SERVICE
(PTAB and Petitioner's Counsel)

The undersigned certifies that, pursuant to 37 C.F.R. §§ 90.2 and 42.6(b), this Patent Owner's Notice of Appeal is being filed electronically via the Patent Trial and Appeal Board's E2E system on February 24, 2017.

The undersigned further certifies that a copy of this Patent Owner's Notice of Appeal is being served on February 24, 2017, on Petitioner's counsel of record, Robert T. Maldonado and Tonia A. Sayour, by electronic service at:

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