

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

Duk San Neolux Co., Ltd.,  
Petitioner,

v.

Idemitsu Kosan Co., Ltd.,  
Patent Owner

CASE IPR2016-00148

Patent No. 9,056,870

**PETITIONER'S NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2(a), Petitioner, Duk San Neolux Co., Ltd., hereby gives notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 35) issued by the Patent Trial and Appeal Board (the “Board”) on March 29, 2017 in the above-captioned proceeding, and from any and all other orders, decisions, rulings, and/or opinions underlying or relating to the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal may include, but are not limited to: the Board’s failure to institute review on certain grounds proposed by Petitioner; the Board’s erroneous claim construction informing its findings on motivation to combine; the weight given by the Board to certain evidence presented by the parties; the Board’s decision that Petitioner had not demonstrated by a preponderance of the evidence that Claims 1, 3, 4 and 14-26 are unpatentable on the grounds on which review was instituted; and other issues decided adversely to Petitioner or not considered in any orders, decisions, rulings or opinions.

This Notice is being filed simultaneously with the Director of the United States Patent Office, the Board, and the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

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**VORYS, SATER, SEYMOUR AND PEASE LLP**  
/William H. Oldach III/  
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Registration No. 42,048

## CERTIFICATE OF FILING

Pursuant to 37 C.F.R. §§ 90.2(a) and 104.2, I hereby certify as follows:

1. that the original of the foregoing Petitioner's Notice of Appeal was filed by US Postal Service Express Mail this 26<sup>th</sup> day of May, 2017, with the Director of the United States Patent and Trademark Office as follows:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel, 10B20  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

2. that a copy of the foregoing Petitioner's Notice of Appeal was filed with the Board's electronic filing system this 26<sup>th</sup> day of May, 2017; and
3. that a copy of the foregoing Petitioner's Notice of Appeal, together with filing fees and a copy of the underlying Final Written Decision, was filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF this 26<sup>th</sup> day of May, 2017.

/William H. Oldach III/  
William H. Oldach III  
Attorney for Petitioner  
DUK SAN NEOLUX CO., LTD.  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Petitioner's Notice of Appeal was served on counsel of record for the patent Owner by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail to the following address this 26<sup>th</sup> day of May, 2017:

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