

Filed on behalf of Patent Owner, Victaulic Company, by:  
Bryan P. Collins (Reg. No. 43,560)  
Benjamin L. Kiersz (Reg. No. 51,875)  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
Tel. No. 703.770.7900  
Fax No. 703.770.7901  
P.O. Box 10500  
McLean, VA 22102  
bryan.collins@pillsburylaw.com  
benjamin.kiersz@pillsburylaw.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

TYCO FIRE PRODUCTS LP,

Petitioner

v.

VICTAULIC COMPANY,

Patent Owner.

---

Case IPR2016-00278

U.S. Patent No. 8,646,165

---

**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, 1 OB20  
600 Dulaney Street  
Alexandria, VA 22314-5793

Pursuant to 35 U.S.C. § 141 and 37 C.F.R. § 90.2, Patent Owner Victaulic Company (“Patent Owner”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered June 12, 2017 (Paper 39) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,646,165 (“the ’165 patent”) at issue in Inter Partes Review IPR2016-00278.

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

- the Board’s claim construction, including, without limitation, the Board’s interpretation of the terms “supporting said segments in spaced relation” (claims 1 and 9 of the ’165 patent) and “deforming said coupling segments” (claims 2 and 10 of the ’165 patent);
- the Board’s determination that claims 2 and 10 of the ’165 patent would have been obvious under 35 U.S.C. § 103 over German Patent Application No. DE 10006029 A1 (“Vieregge”) in view of UK Patent Application No. GB 2218768 (“Lane”);

- the Board’s interpretation of the prior art references of record including, without limitation, the Board’s interpretation of Vieregge and Lane, including without limitation the Board’s determination that Lane “at least suggests” that the housing segments in Lane’s Figure 4 embodiment deform;
- the Board’s analysis and findings with respect to Patent Owner’s objective evidence of non-obviousness; and
- any finding or determination supporting or relating to the above issues, as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, or opinion by the Board in this proceeding.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice along with the required docketing fees are being filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Date: August 11, 2017

Respectfully submitted,

/Bryan P. Collins/  
Bryan P. Collins (Reg. No. 43,560)  
Benjamin L. Kiersz (Reg. No. 51,875)  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
Tel. No. 703.770.7900  
Fax No. 703.770.7901  
P.O. Box 10500

McLean, VA 22102  
bryan.collins@pillsburylaw.com  
benjamin.kiersz@pillsburylaw.com

*Counsel for Patent Owner Victaulic  
Company*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of August, 2017, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL” was electronically filed via the PTAB E2E system pursuant to 37 CFR §§ 90.2(a) and 42.6(b) and filed by hand with the Director of the United States Patent and Trademark Office pursuant to 37 CFR §§ 90.2 & 104.2, 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, Virginia

I also hereby certify that on this 11th day of August, 2017, a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL,” and the filing fee, are being filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF, as follows:

United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W., Suite 401  
Washington, DC 20005

Pursuant to 37 C.F.R. §§ 42.6(e), I hereby certify that I caused to be served a true and correct copy of the foregoing “PATENT OWNER’S NOTICE OF APPEAL” by electronic mail and Fed Ex on this 11th day of August, 2017 on counsel of record for the Petitioner as follows:

David W. Laub  
John P. Isacson  
PERKINS COIE LLP  
700 Thirteenth Street, N.W. Suite 600  
Washington, DC 20005-3960  
dlaub@perkinscoie.com  
jisacson@perkinscoie.com  
tyco-victaulic-service-ipr@perkinscoie.com

Bing Ai  
Babak Tehranchi  
PERKINS COIE LLP  
11988 El Camino Real, Suite 350  
San Diego, CA 92130  
Ai-ptab@perkinscoie.com  
BTehranchi@perkinscoie.com

/Bryan P. Collins/  
Bryan P. Collins (Reg. No. 43,560)  
Benjamin L. Kiersz (Reg. No. 51,875)  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
Tel. No. 703.770.7900  
Fax No. 703.770.7901  
P.O. Box 10500  
McLean, VA 22102  
bryan.collins@pillsburylaw.com  
benjamin.kiersz@pillsburylaw.com

*Counsel for Patent Owner Victaulic  
Company*