

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PANDUIT CORP.,
Petitioner,

v.

CCS TECHNOLOGY, INC.,
Patent Owner.

Cases

IPR2016-01647 (Patent 6,758,600)

IPR2016-01648 (Patent 6,869,227)

PATENT OWNER'S NOTICE OF APPEAL

Patent Owner's Notice of Appeal:
IPR2016-01647 (Patent 6,758,600)
IPR2016-01648 (Patent 6,869,227)

Pursuant to 35 U.S.C. §§ 141(c) and 142 and 37 C.F.R. §§ 90.2(a) and 90.3, Patent Owner CCS Technology, Inc. ("Corning") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's ("Board") Final Written Decision, entered on February 2, 2018 (Paper 27), and from all underlying and related findings, orders, decisions, rulings, and opinions that are adverse to Corning.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii) ("sufficient information to allow the Director to determine whether to exercise the right to intervene in the appeal"), Corning further indicates that the issues on appeal may include, but are not limited to:

1. Whether the Board erred in holding that claims 1 and 2 of U.S. Patent No. 6,758,600 ("the '600 patent") have been shown to be unpatentable under 35 U.S.C. § 102(b) as anticipated by Toyooka.

2. Whether the Board erred in holding that claims 1 and 2 of the '600 patent have been shown to be unpatentable under 35 U.S.C. § 103(a) as obvious over the combined teachings of Toyooka and Kang.

3. Whether the Board erred in holding that claims 1-3 and 8-10 of U.S. Patent No. 6,869,227 ("the '227 patent") have been shown to be unpatentable under 35 U.S.C. § 102(b) as anticipated by Toyooka.

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4. Whether the Board erred in its construction of the claim term “optical fiber ribbon” in claim 1 of the ‘600 patent.

5. Whether the Board erred in its construction of the claim term “optical ribbon” in claims 1, 3, and 8 of the ‘227 patent.

6. Whether the Board exceeded its administrative power under the Constitution when it found that claims 1 and 2 of the ‘600 patent and claims 1-3 and 8-10 of the ‘227 patent were unpatentable.

Corning further reserves the right to challenge any finding or determination supporting or relating to the issues above, and to challenge other issues decided adversely to Corning.

Pursuant to 37 C.F.R. § 90.2(a), Corning is filing one (1) copy of this Notice of Appeal with the Director and also electronically filing a copy of this Notice of Appeal with the U.S. Court of Appeals for the Federal Circuit, with the requisite filing fee, in addition to filing this notice with the Board.

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Date: March 27, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

Per 37 C.F.R. § 90.2(a)(1), on March 27, 2018 the foregoing notice of appeal was filed electronically with the Board in accordance with 37 C.F.R. § 42.6(b)(1), and mailed to the Director via Priority Mail Express in accordance with 37 C.F.R. §§ 1.10 and 104.2 at the following address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22313-1450

Per 37 C.F.R. § 90.2(a)(2), Fed. R. App. P. 15, and Fed. Cir. Rules 15, 25, and 52, on March 27, 2018 the foregoing notice of appeal was electronically filed with the Court of Appeals for the Federal Circuit via CM/ECF with appropriate fees paid through pay.gov. Per Fed. Cir. Rule 15(a)(1), one copy of this notice of appeal is being filed by hand with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on March 27, 2018.

Per 37 C.F.R. § 42.6(e) and the parties' agreement to accept electronic service, on March 27, 2018 the foregoing notice of appeal was served via e-mail on the following attorneys for Petitioner:

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