

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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STRIDE RITE CHILDREN'S GROUP, LLC

*Petitioner,*

v.

SHOES BY FIREBUG LLC

*Patent Owner.*

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Case No. IPR2017-01809

U.S. Patent No. 8,992,038

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**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

Pursuant to 35 U.S.C. § 141 and 37 C.F.R. § 90.2, Patent Owner, Shoes by Firebug LLC, respectfully gives Notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's Final Written Decision entered January 16, 2019 (Paper 64), and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,992,038 ("the '038 patent") at issue in *inter partes* review IPR2017-01809. This notice is timely filed within 63 days of the Patent Trial and Appeal Board's Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal include, but are not limited to the Board's claim construction analysis and interpretation; the Board's consideration of the secondary indicia of non-obviousness; the Board's consideration of whether the Petitioner carried its Board to demonstrate the unpatentability of the claims by a preponderance of the evidence under the grounds identified in the Petition; whether the Board's final written decision complies with the Administrative Procedure Act, and any finding related to these issues, as well as other any issue decided adversely to Patent Owner in any order, decision, ruling, or opinion by the Board in this *inter partes* review.

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.

Respectfully submitted,

Dated: March 1, 2019

/W. Cook Alciati/  
W. Cook Alciati  
Counsel for Patent Owner (*pro hac vice*)

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 1<sup>st</sup> day of March, 2019, a true and correct copy of the foregoing Patent Owner's Notice of Appeal was served on counsel of record for Petitioner by filing this document through the PTAB E2E System as well as delivering a copy at the following address(es):

R. Michael Azzi [mazzi@wnj.com](mailto:mazzi@wnj.com)

Vito A. Ciaravino [vciaravino@wnj.com](mailto:vciaravino@wnj.com)

I hereby certify that on this 1<sup>st</sup> day of March, 2019, in addition to being filed electronically through the PTAB E2E System, a true and correct copy of the foregoing Patent Owner's Notice of Appeal was served by hand with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office  
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I hereby certify that on this 1<sup>st</sup> day of March, 2019, a true and correct copy of the foregoing Patent Owner's Notice of Appeal was filed electronically along

with the associated filing fee with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully submitted,  
Gardella Grace P.A.

Date: March 1, 2019

/W. Cook Alciati/  
W. Cook Alciati  
Counsel for Patent Owner (*Pro Hac Vice*)  
Shoes by Firebug LLC

Greg H. Gardella (Reg. No. 46,045)  
Lead Counsel for Patent Owner  
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