

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

ELITE PERFORMANCE FOOTWEAR, LLC  
Petitioner,

v.

REEBOK INTERNATIONAL LIMITED,  
Patent Owner.

---

**CASE NO. IPR2017-01689**  
**U.S. PATENT NO. 8,050,320**

---

**PETITIONER'S NOTICE OF APPEAL**

**NOTICE OF APPEAL**

Notice is hereby given, pursuant to 35 U.S.C. § 141 and 37 C.F.R. § 90.2, that Petitioner Elite Performance Footwear, LLC (“Elite”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (the “Board”) Final Written Decision entered on January 9, 2019 (Paper 37) and from all orders, decisions, rulings, and opinions underlying those decisions regarding U.S. Patent No. 8,020,320 (the “’320 patent”) set forth in *inter partes* review IPR2017-01689.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner anticipates that the issues on appeal may include, but are not limited to, the following, as well as any underlying findings, determinations, rulings, decisions, opinions, claim interpretations, or other related issues:

- Whether the Board erred in finding that Petitioner had not proven by a preponderance of the evidence that the claims 1-20 of the ’320 patent are unpatentable;
- Whether the Board erred in its application of the standard for obviousness to the grounds presented in IPR2017-01689;
- Whether the Board erred in its constructions of the disputed claim terms.

In accordance with 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2 and 90.3, copies of this Notice of Appeal are being timely filed simultaneously with the Director of

the United States Patent and Trademark Office and the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal, 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. A copy of this Notice of Appeal is also being served on Patent Owners.

Date: March 12, 2019

Respectfully Submitted,

/s/ Janine A. Carlan

Janine A. Carlan, Reg. No. 42,387

ARENT FOX LLP

1717 K Street NW

Washington, DC 20006

Telephone: (202) 857-6000

Facsimile: (212) 857-6395

janine.carlan@arentfox.com

Richard LaCava, Reg. No. 41,135

ARENT FOX LLP

1301 Avenue of the Americas,

42nd Floor

New York, NY 10019

Telephone: (212) 484-3900

Facsimile: (212) 484-6395

richard.lacava@arentfox.com

*Attorneys for Petitioner*

**CERTIFICATE OF FILING**

Pursuant to 37 C.F.R. § 90.2(a)(1), on March 12, 2019, I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End ("E2E") System, the original version of the foregoing Petitioner's Notice of Appeal was filed by hand delivery and by Priority Mail Express (Express Mail Label No. 9114 9999 4431 4278 3160 51) 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  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**CERTIFICATE OF FILING**

Pursuant to 37 C.F.R. § 90.2(a)(2), Fed. R. App. P. 15, and Fed. Cir. Rules 15, 25, and 52, on March 12, 2019, I hereby certify that a true and correct copy of the foregoing Petitioner's Notice of Appeal was filed with the Clerk's Office of the United States Court of Appeals for the Federal through the federal courts' Case Management and Electronic Case Files (CM/EFC) system, with the appropriate fees paid. Pursuant to Fed. Cir. Rule 15(a)(1), one paper copy of this notice of appeal is now being simultaneously sent by Priority Mail Express (Express Mail Label No. 9114 9999 4431 4278 3160 68) to the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e) and 90.2(a), the undersigned hereby certifies that Petitioner's NOTICE OF APPEAL was served on March 12, 2019 by filing this document through the E2E System, as well as e-mailing a copy to mstockwell@kilpatricktownsend.com and mferrario@kilpatricktownsend.com and sending a paper copy via Priority Mail Express to the following attorneys for

Patent Owners:

Mitchell G. Stockwell  
Kilpatrick Townsend & Stockton LLP  
1100 Peachtree Street NE Suite 2800,  
Atlanta, GA USA 30309  
Telephone: (404) 815-6500  
Facsimile: (404) 815-6555  
mstockwell@kilpatricktownsend.com

Matias Ferrario  
Kilpatrick Townsend & Stockton LLP  
1001 West Fourth Street,  
Winston-Salem, NC USA 27101  
Telephone: (336) 607-7300  
Facsimile: (336) 607-7500  
mferrario@kilpatricktownsend.com

Date: March 12, 2019

Respectfully Submitted,

/s/ Janine A. Carlan  
Janine A. Carlan, Reg. No. 42,387  
ARENT FOX LLP  
1717 K Street NW  
Washington, DC 20006  
Telephone: (202) 857-6000  
Facsimile: (212) 857-6395  
janine.carlan@arentfox.com

Richard LaCava, Reg. No. 41,135

ARENT FOX LLP

1301 Avenue of the Americas,

42nd Floor

New York, NY 10019

Telephone: (212) 484-3900

Facsimile: (212) 484-6395

richard.lacava@arentfox.com

*Attorneys for Petitioner*