

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. IPR2017-01680
U.S. PATENT NO. 8,505,221

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 38) and from all orders, decisions, rulings, and opinions underlying those decisions regarding U.S. Patent No. 8,505,221 (the "'221 patent") set forth in *inter partes* review IPR2017-01680.

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 1-6 and 11-20 of the '221 patent are unpatentable;
- Whether the Board erred in its application of the standard for obviousness to the grounds presented in IPR2017-01680;
- 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 Owner.

Date: March 12, 2019

Respectfully Submitted,

/s/ Janine A. Carlan

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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 86) 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

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