

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

POWER-PACKER NORTH AMERICA, INC.
d/b/a GITS MANUFACTURING CO.,
Petitioner,

v.

G.W. LISK CO., INC.,
Patent Owner.

Case No. IPR2017-02035
U.S. Patent 6,601,821

PETITIONER'S NOTICE OF APPEAL

In accordance with 35 U.S.C. § 142 and 37 C.F.R. § 90.2, Power-Packer North America, Inc. d/b/a Gits Manufacturing Co. (“Petitioner”) hereby appeals to the United States Court of Appeals for the Federal Circuit for review of the Final Written Decision of the Patent Trial and Appeal Board (the “Board”), entered on March 18, 2019, (Paper 29), and from all underlying orders, decisions, rulings, and opinions related to the Final Written Decision.

For the limited purpose of providing the Director of the United States Patent and Trademark Office with the information required under 37 C.F.R. § 90.2(a)(3)(ii), Petitioner anticipates that the issues on appeal will include, but are not limited to:

1. Whether the Board erred in its construction of the term “flow-regulating valve” as “a valve that monitors, controls, or regulates the amount of fluid passing through it without directional control capabilities” (Paper 29 at 35);
2. Whether the Board erred in determining that Petitioner failed to establish by a preponderance of the evidence that claims 14, 15, and 19 of U.S. Patent 6,601,821 (“the ’821 patent”) are unpatentable.

Petitioner further reserves the right to challenge any finding or determination supporting or relating to issues listed above and to challenge any other issues decided against Petitioner in the Final Written Decision.

IPR2017-02035
U.S. Patent 6,601,821

Copies of this Notice of Appeal are being submitted simultaneously to the Director of the United States Patent and Trademark Office, the Board, and the Clerk of the United States Court of Appeals for the Federal Circuit.

Dated: May 20, 2019

Respectfully submitted,

/s/ Jonathan H. Margolies

Jonathan H. Margolies, *pro hac vice*

Edward R. Lawson, Jr., Reg. No.

41,931

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414.271.6560 (t)

414.277.0656 (f)

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

On behalf of Petitioner, I certify that the original version of the foregoing Notice of Appeal was filed electronically through the Patent Trial and Appeal Board's End to End (PTAB E2E) system under 37 C.F.R. §§ 90.2(a)(1) and 42.6(b), and that the original version of the foregoing Notice of Appeal was filed by hand under 37 C.F.R. §§ 90.2(a)(1) and 104.2(b) with the Director of the United States Patent and Trademark Office on May 20, 2019, at the following address:

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

I further certify that on May 20, 2019, a copy of the foregoing Notice of Appeal was filed electronically through the Court of Appeals for the Federal Circuit Case Management/Electronic Case Filing (CM/ECF) system accompanied by payment of the docketing fee under 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 25(a)(1), and that, pursuant to Federal Circuit Rule 15(a)(1), a copy of the foregoing Notice of Appeal was provided by hand to the Clerk of the United States Court of Appeals for the Federal Circuit at the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place NW, Suite 401
Washington, D.C. 20439

Under 37 C.F.R. § 42.6(e) and by agreement of counsel, I certify that on May 20, 2019, a copy of the foregoing document was served in its entirety via electronic mail on the counsel of record for Patent Owner listed below:

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Dated: May 20, 2019

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