

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

C&D ZODIAC, INC.
Petitioner

v.

B/E AEROSPACE, INC.
Patent Owner

Case IPR2017-01276
Patent 9,440,742 B2

**PATENT OWNER'S NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner B/E Aerospace, Inc. ("Patent Owner") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's (the "Board"s) Final Written Decision in Case No. IPR2017-01276 entered September 28, 2018 and from all underlying orders, decisions, rulings, and opinions which adversely affected Patent Owner.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, but are not limited to, the Board's determination of unpatentability of claims 8 and 10–16 of U.S. Patent No. 9,440,742 (the "'742 patent") under 35 U.S.C. § 103; the Board's application of its interpretation of the claims of the '742 patent to the facts of record; the Board's consideration of record evidence, including but not limited to confidential drawings, fact witness declarations about alleged prior sale and use, and expert testimony; and all findings or determinations supporting or relating to those issues, as well as any other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.2(a)(1) and (a)(2), and as reflected in the attached Certificate of Service, this Notice of Appeal is being electronically filed with the Board through PRPS and the United States Court of Appeals for the Federal Circuit

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through CM/ECF along with the requisite filing fee. A copy is also being served on the Office of the General Counsel at the U.S. Patent and Trademark Office.

Dated: May 28, 2019

Respectfully submitted,

/s/ Michael R. Fleming

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IRELL & MANELLA LLP
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Attorneys for Patent Owner

CERTIFICATE OF FILING AND SERVICE

The undersigned certifies in accordance with 37 C.F.R. § 42.6(e) that on May 28, 2019, a copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT was served via email upon the following by email:

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I also certify that in addition to being filed electronically with the Board through PRPS, the original of the foregoing Notice of Appeal is being served, pursuant to 37 C.F.R. § 104.2, by hand on May 28, 2019 to the United States Patent and Trademark Office at the following address: Office of the General Counsel, 10B20, Madison Building East, 600 Dulany Street, Alexandria, Virginia.

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I further certify that a copy of the foregoing Notice of Appeal is being filed via CM/ECF on May 28, 2019 with the United States Court of Appeals for the Federal Circuit.

Dated: May 28, 2019

By: /Susan M. Langworthy/
Susan M. Langworthy