

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HUNTING TITAN, INC.  
Petitioner,

v.

DYNAENERGETICS EUROPE GMBH  
Patent Owner.

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IPR2018-00600

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U.S. Patent No. 9,581,422 B2

Issue Date: February 28, 2017

Title: Perforating Gun and Detonator Assembly

**PETITIONER'S NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
FROM THE DECISION GRANTING PATENT OWNER'S REQUEST FOR  
REHEARING AND MOTION TO AMEND IN IPR2018-00600**

**37 C.F.R. § 90.2**

Case IPR2018-00600  
U.S. Patent No. 9,581,422 B2  
Notice of Appeal

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
United States Patent and Trademark Office  
Madison Building East, Room 10B20  
600 Dulany Street  
Alexandria, VA 22314-5793

Petitioner Hunting Titan, Inc. (“Hunting”) hereby provides notice that it is appealing to the United States Court of Appeal for the Federal Circuit from the Decision Granting Patent Owner’s Request For Rehearing and that the Final Written Decision with respect to the Motion To Amend is vacated entered by the Patent Trial and Appeal Board (“Board”) on July 06, 2020 (attached hereto).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner’s issues on appeal may include, *inter alia*, that the Board erred in:

Petitioner further indicates that the issues on appeal may include, but are not limited to, whether the Board erred in holding that Petitioner has not proven by a preponderance of the evidence that proposed substitute claims 16–22 of U.S. Patent No. 9,581,422 are unpatentable, whether Petitioner had notice that the patentability of the proposed substitute claims was being reviewed by the Precedential Opinion

Panel under the Administrative Procedures Act, whether the Board erred in holding that the Board should not have raised its own ground of unpatentability, whether the Board erred in finding that Patent Owner was not given sufficient notice that anticipation by Schacherer was at issue for the proposed substitute claims, whether the Board erred in its anticipation determination for the proposed substitute claims, whether the Board erred in its obviousness determination for the proposed substitute claims, whether the Board erred in its application of *Nike Inc. v. Adidas AG*, 955 F.3d 45 (Fed. Cir. 2020).

The appeal may further address any finding or determination relating to the above issues, as well as all other issues decided adversely to Petitioner in any orders, decisions, rulings and opinions.

Petitioner is contemporaneously filing copies of this Notice of Appeal with the Director, the Board, and the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

Date: August 17, 2020

Respectfully submitted,

/s/ Jason Saunders

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**Attorneys for Petitioner  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that in addition to being filed electronically through the PTAB E2E System, a copy of the foregoing Notice of Appeal was served on August 17, 2020 on the Director of the USPTO and counsel of record as set forth below:

**Via Federal Express**

Director of the United States Patent and  
Trademark Office  
c/o Office of the General Counsel  
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**Via Federal Express and Via E-Mail**

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**Attorneys for Patent Owner**

Dated: August 17, 2020

/s/ Jason Saunders  
Jason Saunders  
Registration No. 65,736

**CERTIFICATE OF FILING**

I hereby certify that a copy of this Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board. I also hereby certify that a true and correct copy of the above-captioned Notice of Appeal and the applicable filing fee is being filed via the electronic filing system, CM/ECF, and pay.gov, with the Clerk of the United States Court of Appeals for the Federal Circuit on this 17<sup>th</sup>

day of August 2020, and one true and correct copy of the foregoing was sent on this 17<sup>th</sup> day of August 2020, to the Clerk of the United States Court of Appeals for the Federal Circuit, at the following address:

Peter R. Marksteiner, Circuit Executive and Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place NW  
Washington, DC 20439

Dated: August 17, 2020

/s/ Jason Saunders  
Jason Saunders  
Registration No. 65,736