

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**WERNER CO.,**

Petitioner

v.

**LOUISVILLE LADDER, INC.,**

Patent Owner

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Case IPR2019-00336

U.S. Patent No. 7,000,731

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**PATENT OWNER'S NOTICE OF APPEAL**

via PTAB E2E  
Patent Trial and Appeal Board

via Overnight Parcel Service  
Office of the Solicitor  
United States Patent and Trademark Office Mail Stop 8  
Post Office Box 1450  
Alexandria, VA 22313-1450  
via CM/ECF  
United States Court of Appeals for the Federal Circuit

## **INTRODUCTION**

This appeal by Louisville Ladder, Inc. (“Patent Owner”) is from the Patent Trial and Appeal Board’s Final Written Decision entered August 24, 2020 (Paper 34) (the “Final Written Decision”) in the above-referenced *inter partes* review of United States Patent No. 7,000,731 (“the ’731 patent”). This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(b)(1).

## **PATENT OWNER’S APPEAL**

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and the Federal Rules of Appellate/Federal Circuit Procedure, Patent Owner hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision based on the “Decision to Institute” entered on August 30, 2019 (Paper 10) (the “Institution Decision”).

## **PATENT OWNER’S ISSUES ON APPEAL**

For the limited purpose of providing information requested in 37 C.F.R. §90.2(a)(3)(ii), Patent Owner’s issues on appeal may include at least: (i) the Board’s claim construction, including the terms “entirely open face” and “extending upwardly”; (ii) the Board’s finding that claims 8–16 are unpatentable under 35 U.S.C.

§103 based on the prior art of record; (iii) the Board's finding that claims 19-20 are unpatentable under 35 U.S.C. §103 based on the prior art of record; and (iv) any finding or determination supporting or related to the aforementioned issues as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, and/or opinion.

Simultaneously with this submission, Patent Owner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and the required true and correct copies of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

Date: October 23, 2020

/s/ Terry L. Wright  
Terry L. Wright  
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*Counsel for Patent Owner  
Louisville Ladder, Inc.*

**CERTIFICATE OF FILING**

The undersigned hereby certifies that, in addition to being electronically filed through the Patent Trial and Appeal Board End to End system, service of this Patent Owner's Notice of Appeal is being made on the Director of the United States Patent and Trademark Office by delivering a copy via Priority Mail Express on October 23, 2020 at the following address:

Office of the Solicitor  
United States Patent and Trademark Office Mail Stop 8  
Post Office Box 1450  
Alexandria, VA 22313-1450

The undersigned also hereby certifies that a true and correct copy of this Patent Owner's Notice of Appeal and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on October 22, 2020.

Respectfully submitted,

Date: October 23, 2020

/s/ Terry L. Wright  
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*Counsel for Patent Owner*  
*Louisville Ladder, Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to Federal Rule of Appellate Procedure 25(b), the undersigned hereby certifies that service of this Patent Owner's Notice of Appeal was made on the counsel of record for the Petitioner by filing this document through the Patent Trial and Appeal Board End to End System, as well as delivering a copy via electronic mail and Priority Mail Express to the following addresses:

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Date: October 23, 2020

/s/ Joel T. Beres  
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