

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

J SQUARED, INC. d/b/a UNIVERSITY LOFT COMPANY
Petitioner

v.

SAUDER MANUFACTURING COMPANY
Patent Owner

Case IPR2015-00774
Patent No. 8,585,136

CHAIR WITH COUPLING
COMPANION STOOL BASE

**PATENT OWNER'S NOTICE OF CROSS-APPEAL TO THE U.S. COURT
OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner, Sauder Manufacturing Company, hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on June 27, 2016 (Paper No. 35), and from all underlying orders, decisions, rulings and opinions regarding claims 1, 2 and 4-14 of U.S. Patent No. 8,585,136 (“the ‘136 Patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on cross-appeal may include the following, as well as any and all underlying findings and determinations (including claim constructions), rulings, decisions, opinions, and other related issues:

1. The Board erred in finding that Petitioner J Squared has shown by a preponderance of the evidence that claims 1, 2, 8 and 10 are anticipated by Mackey, U.S. Patent No. 794,461 (Exh. 1003);

2. The Board erred in finding that Petitioner J Squared showed by a preponderance of the evidence that claims 1, 2, 6-8, 10 and 11 were unpatentable as obvious from Pollack II, U.S. Patent No. 2,689,598 (Exh. 1005) and Pollack I, U.S. Patent No. 2,644,506 (Exh. 1006); and

3. The Board erred in finding that Patent Owner's evidence of commercial success, industry praise, and copying did not show that the invention as defined by at least claims 1, 2, 6-8, 10 and 11 was non-obvious.

A copy of this Notice of Cross-Appeal to the United States Court of Appeals for the Federal Circuit is being simultaneously filed with the Office of the General Counsel for the U.S. Patent and Trademark Office via U.S. First-Class Mail to 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
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314

Additionally, a copy of this Notice of the Cross-Appeal to the United States Court of the Appeals for the Federal Circuit is being simultaneously filed electronically with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via the CM/ECF Document Filing System along with the required filing fee of \$500.00.

Respectfully submitted,

YOUNG BASILE HANLON & MACFARLANE PC

/s/Thomas N. Young

THOMAS N. YOUNG

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Dated: September 9, 2016

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies service of PATENT OWNER'S NOTICE OF CROSS-APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT on the counsel of record for the Petitioner by filing this document through the PTAB E2E System as well as delivering a copy via electronic mail to the following addresses:

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/s/Thomas N. Young