

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRYCER, LLC, and BRYCER MANAGEMENT, INC.,
Petitioners

v.

TEGRIS, INC.,
Patent Owner.

Case No. IPR2023-01196
Patent No. 11,126,966

**PATENT OWNER'S NOTICE OF APPEAL OF
FINAL WRITTEN DECISION**

via PTAB P-TACTS
Patent Trial and Appeal Board

via email to efileSO@uspto.gov
Director of the United States Patent and Trademark Office
c/o Office of the Solicitor

via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

Patent Owner Tegriss, Inc. (“Tegriss”) appeals the Patent Trial and Appeal Board’s Final Written Decision entered on January 16, 2025 (Paper 46) (the “Final Written Decision”) in the above-captioned *inter partes* review of United States Patent No. 11,126,966 (“’966 Patent”), attached as **Exhibit A**. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

TEGRIS 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 Federal Rule of Appellate Procedure/Federal Circuit Rule 15, Patent Owner Tegriss Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision and all underlying decisions and orders in this action on which that decision is based.

Tegriss Inc.’s issues on appeal include, without limitation, challenging at least (*see* 37 C.F.R. § 90.2(a)(3)(ii)):

1. The Board’s determination that Petitioners established that claims 8-16 of U.S. Patent No. 11, 126,966 (“Challenged Claims”) are unpatentable;
2. The Board’s reliance on the Printed Matter Doctrine to read several limitations out of the Challenged Claims;
3. The Board’s *sua sponte* assertion of the Printed Matter Doctrine after the Final Hearing;

4. The Board's denial of Patent Owner's request in Paper 44 to submit evidence on fact issues related to that doctrine;

5. The Board's *sua sponte* assertion of the Printed Matter Doctrine as a new or additional ground of unpatentability of the Challenged Claims, when it was not raised in the Board's Institution Decision, and Petitioners failed to assert that doctrine in their Petition or reply brief;

6. The Board's failure to properly construe various elements of claim 8 in the Challenged Claims;

7. The Board's failure to consider the prosecution history of the '966 Patent in connection with its construction of the Challenged Claims;

8. The Board's error in determining the level of skill, knowledge, and experience of a person of ordinary skill in the art;

9. The Board's error in finding the term "fire hydrant" in the claim term "fire hydrant management software" is merely descriptive and given no patentable weight, including without limitation its application of the Printed Matter Doctrine to that claim term;

10. The Board's denial of Patent Owner's Motion to Exclude (Paper 36);

11. The Board's lack of substantial evidence supporting its factual findings with respect to the Printed Matter Doctrine, the teachings of the

references included in the Petition, and the level of knowledge and experience of a person of ordinary skill in the art;

12. The adequacy of the Board's consideration of testimony, prior art, and other evidence in the record;

13. Any findings or determinations supporting or related to the Final Written Decision, including without limitation the above enumerated issues, and

14. All other issues decided adversely to Patent Owner Tegriss Inc. in any orders, decisions, rulings, or opinions in this proceeding.

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

Date: February 3, 2025

Respectfully submitted,

/Chris Perque/
Chris Perque
Reg. No. 37,696
Fisher Boyles LLP

Richard M. Lehrer
Reg. No. 38,536
Fisher Boyles LLP

CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's P-TACTS system, a true and correct copy of the above-captioned Patent Owner's Notice of Appeal of Final Written Decision is also being filed pursuant to 37 C.F.R. § 90.2(a) with the Director of the United States Patent and Trademark Office, on the date below, by electronic mail to efileSO@uspto.gov, which is the email address indicated on the United States Patent and Trademark Office's web page for the Office of the General Counsel, [<https://www.uspto.gov/about-us/organizational-offices/office-general-counsel>](https://www.uspto.gov/about-us/organizational-offices/office-general-counsel).

I also hereby certify that a true and correct copy of the above-captioned Patent Owner's Notice of Appeal of Final Written Decision, along with 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 the date below.

Date: February 3, 2025

Respectfully submitted,

/Chris Perque/
Chris Perque
Reg. No. 37,696
Fisher Boyles LLP

Richard M. Lehrer
Reg. No. 38,536
Fisher Boyles LLP

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2025, I caused a true and correct copy of the foregoing Patent Owner's Notice of Appeal of Final Written Decision to be served via email on the following counsel for Petitioners:

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