UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIFECORE FITNESS, LLC d/b/a
ASSAULT FITNESS,

Petitioner,

v.

WOODWAY USA, INC.

Patent Owner.

_____

IPR2024-00083
U.S. Patent No. 11,465,005

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PATENT OWNER'S NOTICE OF APPEAL

NOTICE OF APPEAL TO THE FEDERAL CIRCUIT

Notice is hereby given, pursuant to 35 U.S.C. §§ 141, 142, and 319 and 37 C.F.R. §§ 90.2 and 90.3, that Patent Owner Woodway USA, Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on May 6, 2025 (Paper 61) and from all underlying orders, decisions, rulings, and opinions, regarding the *inter partes* review of U.S. Patent No. 11,465,005 ("the '005 Patent") in Case No. IPR2024-00083.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further states that the issues on appeal are anticipated to include, but are not limited to:

(1) Whether the Board erred in exercising jurisdiction over the *inter partes* review of the '005 Patent filed by LifeCore Fitness, Inc.;

(2) Whether the Board erred in concluding that claims 1-4, 6, 7, 9-13, 15, and 16 of the '005 Patent are unpatentable as obvious over Socwell, Magid, and Sclater; and

(3) Whether, in arriving at its decisions, the Board acted in a manner that was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, was in excess of statutory limitations and without observance of procedure required by law, or was based on findings unsupported by substantial evidence.

Concurrently with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board, and a copy is being filed electronically

with the United States Court of Appeals for the Federal Circuit along with the required docketing fee.

Dated: July 8, 2025

Respectfully submitted,

/R.J. McKenna/
Richard J. McKenna
Registration No. 35,610
Counsel for Patent Owner

CERTIFICATE OF SERVICE AND FILING

The undersigned hereby certifies that a copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was served on July 8, 2025, by email to Petitioner's counsel of record:

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The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End (PTAB E2E) system on July 8, 2025, a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was served on July 8, 2025, on the Director of the United States Patent and Trademark Office via electronic mail at the following email address:

efileSO@uspto.gov

The undersigned also certifies that a true and correct copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** was filed by Kadie M. Jelenchick on July 8, 2025, with the United States Court of Appeals for the Federal Circuit.

Dated: July 8, 2025

/s/ *Kadie M. Jelenchick*

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