

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOWMAR ARCHERY LLC,
Petitioner,

v.

MATTHEW FUTTERE,
Patent Owner.

IPR2024-00401
Patent 8,043,177 B2

PETITIONER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and 37 C.F.R. §§ 90.2-90.3, notice is hereby given that Petitioner Bowmar Archery LLC appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered June 30, 2025 (Paper 31) in IPR2024-00401, and from all underlying orders, decisions, rulings, and opinions decided adversely to Petitioner regarding this *inter partes* review of U.S. Patent No. 8,043,177 (“the ’177 patent”). A copy of the Final Written Decision is attached. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1)

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal include, but are not limited to, the following, as well as any underlying factual findings, conclusions of law, determinations, rulings, decisions, opinions, or other related matters:

(1) The Board’s determination that Petitioner has not shown by a preponderance of the evidence that any of claims 1–4, 7, 9, 11, 12, 15, and 17 of the ’177 patent are unpatentable;

(2) The Board erred in its construction and application of the claim language;

(3) The Board erred in its consideration and interpretation of the admissions of Patent Owner and Patent Owner’s expert, expert testimony, prior art, and other evidence in the record; and

(4) Any and all explicit or implicit finding, determination, judgment or order supporting or related to the above identified issues, or related to the Final Written Determination and decided adversely to Petitioner, in any order, decision, ruling, or opinion by the Board in this *inter partes* review.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, in accordance with Federal Circuit Rule 15(a)(1) and 37 C.F.R. §90.2(a)(2), a copy of this Notice and the required docketing fees set forth in Federal Circuit Rule 52 are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Dated: September 2, 2025

By: /Jason S. Shull/

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Attorney for Petitioner

CERTIFICATE OF FILING

The undersigned certifies that on September 2, 2025, a true and correct copy of this **NOTICE OF APPEAL**, in addition to being electronically filed through PTACTS, is being filed by email with the Director of the U.S. Patent and Trademark Office at the following address: efileSO@uspto.gov.

The undersigned also certifies that on September 2, 2025, a true and correct copy of this **NOTICE OF APPEAL** is being filed via the electronic filing system, CM/ECF, with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit.

Dated: September 2, 2025

By: /Jason S. Shull/

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CERTIFICATE OF SERVICE

The undersigned certifies service on the Petitioner, pursuant to 37 C.F.R. § 42.6(e), by electronic (e-mail) delivery of a true copy of the foregoing PETITIONER'S NOTICE OF APPEAL, to lead and back-up counsel of record for Petitioner as follows:

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Dated: September 2, 2025

By: /Carlos Goldie/

Carlos Goldie