

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLUIDMASTER, INC.

Petitioner

v.

DANCO, INC.
Patent Owner

Case No. IPR2024-00633
U.S. Patent No. 9,139,993 B1

PETITIONER FLUIDMASTER, INC.'S NOTICE OF APPEAL

By electronic filing

Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By electronic mail

Director of the U.S. Patent & Trademark Office
c/o Office of the General Counsel
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By electronic filing

Circuit Executive and Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, DC 20439

Pursuant to 35 U.S.C. §§ 141(c), 142 and 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and 90.3(b)(1); Federal Rule of Appellate Procedure 15; and Federal Circuit Rule 15, Petitioner Fluidmaster, Inc. (“Petitioner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Decision Denying Petitioner’s Request for Rehearing of Final Written Decision entered by the Patent Trial and Appeal Board (“the Board”) on March 5, 2026 (“the Rehearing Request Decision,” attached as Exhibit 1), the Final Written Decision entered by the Board on December 15, 2025 and the Errata to the Final Written Decision entered by the Board on March 3, 2026 (respectively, the “FWD” and “Errata,” attached as Exhibits 2 and 3), and from all underlying findings, determinations, rulings, opinions, orders, issues, and decisions regarding the *inter partes* review of U.S. Patent No. 9,139,993 (“the ’993 Patent”) in IPR2024-00633.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner identifies that the issues on appeal include, but are not limited to, whether the Board erred in determining that Petitioners had not shown by a preponderance of the evidence: (1) claims 1-20 of the ’993 Patent to be unpatentable as anticipated under 35 U.S.C. § 102; and (2) claims 2-6, 13 and 16-18 of the ’993 Patent to be unpatentable as obvious under 35 U.S.C. § 103, as well as any and all findings or determinations supporting or related to the Board’s findings, determinations, judgments or orders related to the foregoing issues, as well as all other issues decided adversely to

Petitioner, including, without limitation, the Board's construction and application of the claim language, the Board's interpretation of the prior art and applicable priority dates, the Board's interpretation of expert evidence, and the Board's application of the law.

The Board issued its Rehearing Request Decision on March 5, 2026. This notice is therefore timely filed within sixty-three (63) days of the Board's decision, as prescribed by 35 U.S.C. § 142 and 37 C.F.R. §§ 90.3(a)(1) and 90.3(b)(1).

Simultaneous with this filing and in accordance with 37 C.F.R. § 90.2(a)(1), Petitioner is concurrently filing this Notice of Appeal with the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit, along with the required fees, and is serving the same upon the Patent Owner in accordance with 37 C.F.R. § 1.248.

Dated: May 6, 2026

Respectfully submitted,

By: /Evan Finkel /
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Evan Finkel (Reg. No. 49,059)
Ranjini Acharya (*pro hac vice*)

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Counsel for Petitioner Fluidmaster, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2026, the foregoing **PETITIONER FLUIDMASTER, INC.’S NOTICE OF APPEAL** was filed and served electronically with the Patent Trial and Appeal Board, through the PTAB’s electronic P-TACTS system.

I also certify that on this 6th day of May, 2026, the foregoing **PETITIONER FLUIDMASTER, INC.’S NOTICE OF APPEAL** was filed and served this 7th day of May, 2026 with the Director of the United States Patent and Trademark Office, via email to the Office of the General Counsel at efileSO@uspto.gov.

I also certify that on this 6th day of May, 2026, the foregoing **PETITIONER FLUIDMASTER, INC.’S NOTICE OF APPEAL** and the filing fee, were filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit, via the Court’s CM/ECF system.

I also certify that on this 6th day of May, 2026, the foregoing **PETITIONER FLUIDMASTER, INC.’S NOTICE OF APPEAL** and all exhibits thereto has been served on the counsel of record for the Patent Owner via electronic mail to the following addresses pursuant to 37 C.F.R. § 42.6(e):

- Jason M. Perilla (Lead Counsel): j.perilla@pkip.com
- Kenneth A. Knox (Backup Counsel): k.knox@pkip.com
- Eric G. Maurer (Backup Counsel): e.maurer@pkip.com

Dated: May 6, 2026

By: / Evan Finkel /
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