

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NABORS DRILLING TECHNOLOGIES USA, INC.
Petitioner,

v.

MOTIVE DRILLING TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2022-00289
U.S. Patent No. 10,726,506 B2

**PATENT OWNER MOTIVE DRILLING TECHNOLOGIES, INC.'S
NOTICE OF APPEAL TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT**

via PTAB P-TACTS
Patent Trial and Appeal Board

via Express Mail
Director of the United States Patent and Trademark Office
c/o Office of the Solicitor
United States Patent and Trademark Office
Mail Stop 8, Post Office Box 1450
Alexandria, Virginia 22313-1450

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

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), and 90.3(a), Patent Owner Motive Drilling Technologies, Inc. (“Motive”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision in IPR2022-00289, entered on July 5, 2023 (Paper 33) (the “Final Written Decision”). 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), Motive identifies the following expected issues on appeal:

1. The Board’s error(s) in determining that challenged Claims 1-6, 9, and 10 of U.S. Patent No. 10,726,506 (the “’506 Patent”) are unpatentable, the Board’s construction of claim terms, including “offset distance” and “a drill path curvature,” the Board’s misapplication of those constructions to the prior art, the Board’s errors in finding limitations disclosed by the prior art relied upon in the Petition, and all other issues decided adversely to Motive in any orders, decisions, rulings, or opinions.
2. The Board’s conclusion that Claims 1, 5, and 9 of the ’506 Patent are unpatentable as obvious under 35 U.S.C. § 103(a) in view of U.S. Pub. No. 2010/0185395 A1 (“Pirovolou”) and U.S. Patent No. 8,892,407 B2 (“Budiman”);

3. The Board's conclusion that Claims 2, 5, and 6 of the '506 Patent are unpatentable as obvious under 35 U.S.C. § 103(a) in view of Pirovolou, Budiman, and US Pub. No. 2006/0247903 A1 ("Schottle");
4. The Board's conclusion that Claim 10 of the '506 Patent is unpatentable as obvious under 35 U.S.C. § 103(a) in view of Pirovolou, Budiman, and US Patent No. 6,749,029 B2 ("Alft");
5. The Board's conclusion that Claim 4 of the '506 Patent is unpatentable as obvious under 35 U.S.C. § 103(a) in view of Pirovolou, Budiman, and US Pub. No. 2010/0282508 A1 ("Johnston");
6. The Board's conclusion that Claim 3 of the '506 Patent is unpatentable as obvious under 35 U.S.C. § 103(a) in view of Pirovolou, Budiman, Schottle, Johnston, US Pub. No. 2009/0090555 A1 ("Boone"), and US Pub. No. 2011/0031015 A1 ("Downton"); and
7. Any Board finding, determination, judgment, or order supporting or related to the Final Written Decision and decided adversely to Motive.

Simultaneously with this submission, Motive 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 of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing and Service.

Date: September 5, 2023

/Chad C. Walters/

Chad C. Walters (Reg. No. 48,022)
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Lead Counsel for Patent Owner
Motive Drilling Technologies, Inc.

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 MOTIVE DRILLING TECHNOLOGIES, INC.'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT** is also being filed by USPS Priority Mail Express with the Director of the United States Patent and Trademark Office, on September 5, 2023, at the following address pursuant to 37 C.F.R. §§ 90.2(a), 104.2(a):

*Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450*

I also hereby certify that a true and correct copy of the above-captioned **PATENT OWNER MOTIVE DRILLING TECHNOLOGIES, INC.'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**, 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 September 5, 2023.

Date: September 5, 2023

/Chad C. Walters/
Chad C. Walters (Reg. No. 48,022)
BAKER BOTTS L.L.P.

IPR2022-00289

Patent No. 10,726,506 B2

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Dallas, TX 75201-2980

(214) 953-6511

Lead Counsel for Patent Owner

Motive Drilling Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of September, 2023, **PATENT OWNER MOTIVE DRILLING TECHNOLOGIES, INC.’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT** was served by email on the following counsel of record for Petitioner:

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