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Registration No. 40514

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLIR SYSTEMS, INC.,

Petitioner,

v.

LEAK SURVEYS, INC.,

Patent Owner.

Case: IPR2014-00411
U.S. Patent No. 8,426,813 B2
Case: IPR2014-00434
U.S. Patent No. 8,193,496 B2

PATENT OWNER LEAK SURVEYS, INC.'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, 10B20
600 Dulany Street
Alexandria, Virginia 22314-5793

Notice is hereby given, pursuant to 35 U.S.C. §§ 141-142, 319 and 37 CFR §§ 90.2(a), 90.3, that Patent Owner Leak Surveys, Inc. (“LSI”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (the “Board”) entered on September 3, 2015 (Paper No. 114) (the “Final Written Decision”), and from all underlying or interlocutory orders, decisions, rulings, opinions and/or findings in this case, including, without limitation, the Decision to Initiate Trial for *Inter Partes Review* entered on September 5, 2014 (Paper 9).

For the limited purposes of compliance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner LSI expects that the issues on appeal may include, but may not be limited to, at least the following: The Patent Trial and Appeal Board’s (“Board”) determination that certain challenged claims of the ’813 Patent (U.S. Patent No. 8,426,813 B2) and ’496 (U.S. Patent No. 8,193,496 B2) Patent are unpatentable, as stated on pages 48-49 of the Board’s Final Written Decision (Paper. No. 114); The Board’s express or implied claim constructions with respect to the claims found to be unpatentable, including, but not limited to, the Board’s

claim construction of: (1) “leak” and (2) “produce a visible image of the chemical emanating from the component under variable ambient conditions of the area around the leak”; The Board’s determination that the Merlin User Guide qualifies as prior art in this case; The Board’s determinations with respect to level of skills and qualification of a person having ordinary skill in the art (“POSITA”); The Board’s determinations as to whether a POSITA would have been motivated to combine the prior art references that served as grounds for the Board’s finding certain claims unpatentable; and The Board’s determinations with respect to the objective factors and secondary considerations of nonobviousness, and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner LSI in any orders, decisions, rulings, and opinions. LSI reserves the right to challenge any finding or determination supporting or related to the issues listed above and to challenge any other issues decided adversely to LSI in the Board’s Final Written Decision or in the course of this case.

Copies of this Notice of Appeal are being served on the Petitioner and filed simultaneously with the Director of the United States Patent and Trademark Office, Patent Trial and Appeal Board, and the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted this 30th day of October, 2015.

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CERTIFICATE OF SERVICE

The undersigned certifies that in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System the foregoing PATENT OWNER LSI'S NOTICE OF APPEAL was served on the Director of the United States Patent and Trademark Office, at the following address (in accordance with 37 C.F.R. §§ 90.2(a), 104.2):

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, Virginia 22313-1450

CERTIFICATE OF FILING

The undersigned certifies that on October 30, 2015, a true and correct copy of the foregoing PATENT OWNER LSI'S NOTICE OF APPEAL was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit at the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place NW
Washington, DC 20005

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(1), the undersigned certifies the parties have agreed to electronic service for all filings in this case, and the foregoing filing was served via email on the following parties:

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