

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLD SERVICES, LLC
Petitioner

v.

LMK TECHNOLOGIES, LLC
Patent Owner

Case IPR2014-00768
Patent 7,975,726

NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
BY PATENT OWNER LMK TECHNOLOGIES, LLC

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

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c) and 142, 37 C.F.R. §§ 90.2(a) and 90.3, Rule 15 of the Federal Rules of Appellate Procedure, and Local Rule 15 of the United States Court of Appeals for the Federal Circuit, that Patent Owner LMK Technologies, LLC (“LMK”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on November 18, 2015 (Paper 37) (the “Final Written Decision”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), LMK further indicates that the issues on appeal include all issues decided adversely to LMK in any orders, decisions, rulings and opinions. This includes, but is not limited to:

1. The Board’s determination of unpatentability of claims 9, 10, 13-15 and 27-42 of subject U.S. Patent No. 7,975,726 (“the ‘726 patent”), under 35 U.S.C. § 103(a), as being unpatentable over Kiest U.S. Patent No. 6,994,118 and Kiest U.S. Patent No. 5,794,663, and any finding or determination supporting or related to that determination.
2. The proper construction of claims 9, 10, 13-15 and 27-42 of the ‘726 patent, including application of the appropriate legal standard.

Simultaneous with this submission, a copy of this Notice of Appeal is being

filed with the Patent Trial and Appeal Board and the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: January 20, 2016

Respectfully submitted,

/Christopher L. McKee/

By: _____

Jeffrey D. Harty
Registration No. 40,639
Nyemaster Goode, P.C.
700 Walnut, Suite 1600
Des Moines, Iowa 50309
Phone: 515-283-8038
jeff.harty@nyemaster.com

Christopher L. McKee
Registration No. 32,384
Banner & Witcoff, Ltd.
1100 13th Street NW, Suite 1200
Washington, DC 20005
Main: 202-824-3000
cmckee@bannerwitcoff.com

Attorneys for Patent Owner
LMK Technologies, LLC

CERTIFICATES OF FILING AND SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY PATENT OWNER LMK TECHNOLOGIES, LLC is being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS) on this 20th day of January, 2016, and, additionally that on the same date a true and correct copy is being hand delivered to the Director of the United States Patent and Trademark Office, at the following address:

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

I hereby certify that a true and correct copy of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY THE PATENT OWNER LMK TECHNOLOGIES, LLC is being filed electronically with the filing fee on this 20th day of January, 2016, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit. On the same date, pursuant to Fed. Cir. L.R. 15, three true and correct copies of the foregoing are being sent to the Clerk's Office via U.S. Express Mail at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Room 401
Washington, D.C. 20005

I hereby certify service on the Petitioner, pursuant to 37 C.F.R. § 42.6(e) and agreement of the parties, by email delivery of a true copy of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY THE PATENT OWNER LMK TECHNOLOGIES, LLC, to counsel of record for Petitioner as follows:

Scott A.M. Chambers, PhD.

sachambers@pbnlaw.com

Matthew D. Zapadka

mdzapadka@pbnlaw.com

on this 20th day of January, 2016.

/Christopher L. McKee/

Christopher L. McKee
Registration No. 32,384
Counsel for Patent Owner
LMK Technologies, LLC