

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

L-3 COMMUNICATIONS HOLDINGS, INC. and
and
PREMIER UTILITY SERVICES, LLC,
Petitioners,

v.

POWER SURVEY, LLC
Patent Owner

Case IPR2014-00839
Patent 8,598,864 B2

POWER SURVEY, LLC'S NOTICE OF APPEAL

via PRPS
Patent Trial and Appeal Board

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

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

INTRODUCTION

Power Survey, LLC's appeal stems from the Patent Trial and Appeal Board's Final Written Decision entered on November 23, 2015 (Paper 68) (the "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 8,598,864. This notice is timely filed within 63 days of the Board's Final Written Decision. 37 C.F.R. § 90.3(a)(1).

POWER SURVEY, LLC'S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Patent Owner Power Survey, LLC hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision based on the "Decision, Institution of Inter Partes Review" entered on November 26, 2014 (Paper 9) (the "Institution Decision").

POWER SURVEY, LLC'S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Power Survey, LLC's issues on appeal include at least: (i) the Board's finding that claims 1, 2, 4, 5, and 8 of the '864 patent have been shown to be unpatentable as obvious over the EFA Manual and Thomas; (ii) the Board's finding that claim 3 of the '864 patent has been shown to be unpatentable as obvious over the EFA Manual, Thomas, and Greene; (iii) the Board's claim construction; and (iv) any findings or determinations

supporting or related to the aforementioned issues as well as all other issues decided adversely to Power Survey, LLC in any orders, decisions, rulings, and/or opinions.

Simultaneously with this submission, Power Survey, LLC 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.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Byron L. Pickard
Attorney for Patent Owner
Registration No. 65,172

Date: January 21, 2016
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PRPS, a true and correct copy of the above-captioned POWER SURVEY, LLC'S NOTICE OF APPEAL is being filed by hand with the Director on January 21, 2016, at the following address:

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

The undersigned also hereby certifies that a true and correct copy of the above-captioned POWER SURVEY, LLC'S NOTICE OF APPEAL and 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 January 21, 2016.

Respectfully submitted,

Date: January 21, 2016



Byron L. Pickard, Registration No. 65,172
Attorney for Patent Owner

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing POWER SURVEY, LLC'S NOTICE OF APPEAL was served electronically via e-mail on January 21, 2016, in its entirety on the following:

Daniel J. Goettle (Lead Counsel); dgoettle@bakerlaw.com
John P. Donohue, Jr. (Back-up Counsel); jdonohue@bakerlaw.com

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Byron L. Pickard
Attorney for Patent Owner
Registration No. 65,172

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