

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HILTI, INC. and
SNAP-ON INCORPORATED,
Petitioners,

v.

MILWAUKEE ELECTRIC TOOL CORPORATION, *et al.*
Patent Owners

Case No.: IPR2015-01165¹
U.S. Patent No. 7,944,173 B2

PETITIONERS' NOTICE OF APPEAL

¹ Case IPR2016-00344 has been joined with this proceeding.

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), that Hilti, Inc. and Snap-on Incorporated (collectively “Petitioners”) appeal from the Patent Trial and Appeal Board’s (“PTAB’s”) Final Written Decision entered on November 14, 2016 (Paper No. 91) in the above-captioned *inter partes* review of U.S. Patent No. 7,944,173 to the United States Court of Appeals for the Federal Circuit. This notice is timely filed within 63 days of the PTAB’s Final Written Decision. 37 C.F.R. § 90.3(a)(1).

Petitioners’ appeal includes any underlying orders, decisions, rulings, and opinions as well as any issues raised during these proceedings. In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioners further indicate that the issues on appeal include, without limitation: (i) the PTAB’s determination that claims 1-13 of the ’173 patent are not unpatentable over the art of record in this proceeding; (ii) the PTAB’s claim constructions; (iii) the PTAB’s disposition of Petitioners’ motion to exclude, and its evidentiary rulings; (iv) the PTAB’s obviousness analysis; and (v) any finding or determination supporting or related to the above-mentioned issues as well as all other issues decided adversely to Petitioners including in any orders, decisions, rulings, and/or opinions.

Simultaneous with this submission, Petitioners are filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark

Office and electronically filing the same, along with the required docketing fees, with the Clerk of the Federal Circuit as set forth in the accompanying Certificate of Filing.

Date: December 2, 2016

Respectfully submitted,

/Jonathan M. Lindsay/

Jonathan M. Lindsay (Reg. No. 45,810)

jlindsay@crowell.com

Scott L. Bittman (Reg. No. 55,007)

sbittman@crowell.com

Crowell & Moring LLP

1001 Pennsylvania Avenue NW

Washington, DC 20004-2595

Tel.: (949) 263-8400

Fax.: (202) 263-8414

Counsel for Petitioner Hilti, Inc.

/Paul Devinsky/

Paul Devinsky (Reg. No. 28,553)

Joseph H. Paquin, Jr. (Reg. No. 31,647)

Amol A. Parikh (Reg. No. 60,671)

MCDERMOTT, WILL & EMERY LLP

500 North Capitol Street, NW

Washington, DC 20001

P: 202.756.8369; F: 202.756.8087

pdevinsky@mwe.com

jpaquin@mwe.com

amparikh@mwe.com

*Counsel for Petitioner Snap-on
Incorporated*

CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being filed with the PTAB through the PTAB E2E electronic filing system, a true and correct copy of the above-captioned PETITIONERS' NOTICE OF APPEAL is being filed with the Director of the U.S. Patent and Trademark Office on December 2, 2016 by Priority Express Mail 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 PETITIONERS' NOTICE OF APPEAL and the filing fee is being filed via the electronic filing system, CM/ECF, with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit on December 2, 2016.

Respectfully submitted,

/Jonathan M. Lindsay/

Jonathan M. Lindsay (Reg. No. 45,810)

jlindsay@crowell.com

Crowell & Moring LLP

1001 Pennsylvania Avenue NW

Washington, DC 20004-2595

Tel.: (949) 263-8400

Fax.: (202) 263-8414

Counsel for Petitioner Hilti, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that, on this 2nd day of December, 2016, a true and correct copy of the foregoing document and all exhibits were served via email on the attorney of record for the patent owners, at the following address:

**Attorney of Record
for Patent Owners:**

Dion M. Bregman
Charles C. Huse
milwaukee_ipr@morganlewis.com
dion.bregman@morganlewis.com
chuse@morganlewis.com
Morgan, Lewis & Bockius LLP
1400 Page Mill Road
Palo Alto, CA 94304

/Jonathan M. Lindsay/
Jonathan M. Lindsay
Reg. No. 45,810
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, DC 20004-2595
Tel.: (949) 263-8400
Fax.: (949) 263-8414
JLindsay@crowell.com