

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP-ON INCORPORATED,
Petitioner,

v.

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

Case No.: IPR2015-01243
U.S. Patent No. 7,944,173 B2

PETITIONER'S NOTICE OF APPEAL

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 Snap-on Incorporated ("Petitioner") appeals 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).

Petitioner's 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), Petitioner further indicates that the issues on appeal include, without limitation: (i) the PTAB's determination that claims 1-8 and 10-13 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 Petitioner's 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 Petitioner including in any orders, decisions, rulings, and/or opinions.

Simultaneous with this submission, Petitioner is 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 6 , 2016

Respectfully submitted,

/s/ 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 PETITIONER'S NOTICE OF APPEAL is being filed with the Director of the U.S. Patent and Trademark Office on December 6, 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 PETITIONER'S 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 6, 2016.

Respectfully submitted,

/s/ 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 SERVICE

The undersigned certifies that, on this 6th 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

/s/ Paul Devinsky

Paul Devinsky (Reg. No. 28,553)
MCDERMOTT, WILL & EMERY LLP
500 North Capitol Street, NW
Washington, DC 20001
P: 202.756.8369; F: 202.756.8087
pdevinsky@mwe.com