

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALARM.COM INCORPORATED,
Petitioner

v.

VIVINT, INC.,
Patent Owner

Case IPR2015-01977
Patent 6,924,727

PATENT OWNER VIVINT, INC.'S NOTICE OF APPEAL

via PTAB E2E
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

Vivint, Inc.’s appeal stems from the Patent Trial and Appeal Board’s Final Written Decision entered on March 22, 2017 (Paper 44) (the “Final Written Decision”) in the above-captioned *inter partes* review of United States Patent No. 6,924,727 B2. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(b)(1).

VIVINT, INC.’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 Vivint, Inc. 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 March 24, 2016 (Paper 13) (the “Institution Decision”).

VIVINT, INC.’S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Vivint, Inc.’s issues on appeal include at least: (i) the Board’s finding that claims 1–5, 9, 15, 16, 18, 22–24, 26–32, and 34–38 would have been obvious over the combination of Johnson ’950 and Moriya; (ii) the Board’s finding that claims 6–8, 25, and 33 would have been obvious over the combination of Johnson ’950, Moriya, and Umbreit; (iii) the Board’s finding that claim 14 would have been obvious over the combination of

Johnson '950, Moriya, and Johnson '336; (iv) the Board's finding that claim 17 would have been obvious over the combination of Johnson '950, Moriya, and Menard; and (v) any findings or determinations supporting or related to the aforementioned issues as well as all other issues decided adversely to Vivint, Inc. in any orders, decisions, rulings, phone conference decisions, and/or opinions.

Simultaneously with this submission, Vivint, Inc. 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.

/Jason D. Esienberg/

Robert Greene Sterne (Reg. No. 28,912)
Jason D. Eisenberg (Reg. No. 43,447)
Attorneys for Patent Owner

Date: May 23, 2017

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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PATENT OWNER VIVINT, INC.'S NOTICE OF APPEAL** is being filed by hand with the Director on May 23, 2017, 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 **PATENT OWNER VIVINT, INC.'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 May 23, 2017.

Respectfully submitted,

Date: May 23, 2017

/Jason D. Eisenberg/

Jason D. Eisenberg (Reg. No. 43,447)
Attorney for Patent Owner

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER**
VIVINT, INC.'S NOTICE OF APPEAL was served electronically via e-mail on
May 23, 2017, in its entirety on the following counsel for Petitioner:

William H. Mandir (wmandir@sughrue.com) (Lead Counsel)
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Respectfully submitted,

Date: May 23, 2017

/Jason D. Eisenberg/

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