

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOBILE TECH, INC.,

Petitioner,

v.

INVUE SECURITY PRODUCTS INC.,

Patent Owner.

Case IPR2016-00898

U.S. Patent No. 9,269,247

**PATENT OWNER INVUE SECURITY PRODUCTS INC.'S
NOTICE OF APPEAL**

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

Patent Owner InVue Security Products, Inc. (“InVue”) hereby gives notice to the Director of the U.S. Patent and Trademark Office (“USPTO”), pursuant to 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2(a) and 90.3, of appeal to the U.S. Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (“PTAB”) Final Written Decision entered on September 28, 2017 (Paper 34)¹ and from all orders, decisions, rulings, and opinions underlying the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), and for the limited purpose of providing the Director with information required thereunder, InVue anticipates the issues on appeal to include, without limitation, the constitutionality of the IPR process as addressed by the Supreme Court in *Oil States Energy Services, LLC v. Greene’s Energy Group, LLC*, Dkt. No. 16-712 (argued November 27, 2017), as well as the PTAB’s determination that Petitioner proved by a preponderance of the evidence that claims 1 and 3-24 of U.S. Patent No. 9,269,247 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,543,782 to Rothbaum

¹ InVue notes that the Final Written Decision (Paper 34) was also directed to IPR2016-00899 relating to the same patent. Because the Board did not officially consolidate IPR2016-0898 and IPR2016-0899, InVue has filed a separate Notice of Appeal for each IPR proceeding.

et al. (“Rothbaum”) and U.S. Patent Application No. 2004/0201449 to Denison *et al.* (“Denison”) and that claim 2 of U.S. Patent No. 9,269,247 is unpatentable under 35 U.S.C. § 103(a) as obvious over Rothbaum, Denison and U.S. Patent No. 6,380,855 to Ott. InVue further anticipates the issues on appeal to include the findings allegedly supporting the above PTAB findings including, without limitation, the PTAB’s interpretation of the claim language, the prior art, the relative evidentiary burdens of the parties, and the alleged supporting evidence of anticipation and obviousness, as well as the PTAB’s application of law on the issues of anticipation and obviousness in making such findings.

A copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. This Notice of Appeal, along with the required docketing fee, are also being filed with the Clerk’s Office for the U.S. Court of Appeals for the Federal Circuit.

Date: November 30, 2017

Respectfully submitted,

MEUNIER CARLIN & CURFMAN LLC

/David S. Moreland/

David S. Moreland

Registration No. 60,134

***Attorneys for Patent Owner InVue
Security Products, Inc.***

CERTIFICATE OF SERVICE

The undersigned certifies, pursuant to 37 C.F.R. § 90.2(a), that the foregoing Patent Owner InVue Security Products, Inc.'s Notice of Appeal was filed by Express Mail on November 30, 2017, with the Director of the United States Patent and Trademark Office, at the following address:

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450, Alexandria, Virginia 22313-1450

CERTIFICATE OF SERVICE

The undersigned certifies, pursuant to 37 C.F.R. § 90.2(a), that a copy of the foregoing Patent Owner InVue Security Products, Inc.'s Notice of Appeal was filed electronically on November 30, 2017, through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS).

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Patent Owner InVue Security Products, Inc.'s Notice of Appeal was filed electronically via CM/ECF on November 30, 2017, with the United States Court of Appeals for the Federal Circuit.

CERTIFICATE OF SERVICE

The undersigned certifies, pursuant to 37 C.F.R. § 42.6(e) and by agreement of counsel, that a true and correct copy of Patent Owner InVue Security Products, Inc.'s Notice of Appeal was served electronic mail on November 30, 2017, on the counsel of record for Petitioner to email address tc-ipr-mti@thompsoncoburn.com.

/David S. Moreland/

David S. Moreland
Registration No. 60,134