

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 IPR2016-00896

U.S. Patent No. 9,135,800

**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 October 12, 2017 (Paper 32) and from all orders, decisions, rulings, and opinions underlying the Final Written Decision.¹

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.*

¹ InVue notes that the Final Written Decision (Paper 32) was also directed to IPR2016-00895 (the “895 IPR”), relating to different claims of the same patent. The Board did not officially consolidate IPR2016-0895 and IPR2016-0896. The petitioner filed a request for rehearing in the 895 IPR, but the Board has not acted on that request yet. InVue reserves the right to appeal the 895 IPR once the Board acts on the petitioner’s rehearing request. *See* 37 C.F.R. § 90.3(b)(1).

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 35–49 of U.S. Patent No. 9,135,800 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,543,782 to Rothbaum *et al.* (“Rothbaum”) and U.S. Patent Application No. 2004/0201449 to Denison *et al.* (“Denison”). 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.

Date: December 14, 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 December 14, 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

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 December 14, 2017, through the Patent Trial and Appeal Board's "PTAB E2E" system.

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 December 14, 2017, with the United States Court of Appeals for the Federal Circuit.

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 December 14, 2017, on the counsel of record for Petitioner to email address tc-ipr-mti@thompsoncoburn.com.

/David S. Moreland/

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