

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAKER HUGHES OILFIELD OPERATIONS LLC,

Petitioner

v.

SMITH INTERNATIONAL, INC.,

Patent Owner

U.S. Patent 7,314,099

Issue Date: January 1, 2008

**Title: SELECTIVELY ACTUATABLE
EXPANDABLE UNDERREAMER/STABILIZER**

***Inter Partes* Review No. IPR2016-01440**

PETITIONER'S NOTICE OF APPEAL

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

Notice is hereby given, pursuant to 37 C.F.R. §90.2(a), that Petitioner Baker Hughes Oilfield Operations, LLC hereby appeals to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141 and 142 from the Final Written Decision of the Patent Trial and Appeal Board entered on February 1, 2018 (Paper 31) (the “Final Written Decision”), and from all other underlying orders, decisions, rulings and opinions that were adverse to Petitioner.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s determination that that Petitioner did not prove by a preponderance of the evidence that claims 1, 7, 8, 18, 19, 31-37, and 39-42 of U.S. Patent No. 7,314,099 (the ‘099 Patent) are unpatentable under 35 U.S.C. §102, that claims 4, 33 and 34 of the ‘099 Patent are unpatentable under 35 U.S.C. §103, and any finding or determination supporting or related to these determinations.¹

In addition to filing a copy of this Notice of Appeal with the Patent Trial and Appeal Board, a copy of this Notice of Appeal, along with the required docketing

¹ Petitioner is also filing, concurrently herewith, a Notice of Appeal in a related matter involving the same patent, from the PTAB’s Final Written Decision in Inter Partes Review No. IPR2016-01452, which matter was consolidated with this one for purposes of oral argument before the PTAB.

fees and the Final Written Decision, are being electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated this 30th day of March, 2018.

*/H. Dickson Burton/*_____

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Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on March 29, 2018, a complete copy of the foregoing was served on counsel for Patent Owner at the correspondence addresses of record listed below by electronic mail:

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Patent Owner has consented to service by electronic mail.

/H. Dickson Burton/

H. Dickson Burton (Reg. No. 48,396)