

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TECHNICAL CONSUMER PRODUCTS, INC.,
NICOR INC., AMAX LIGHTING,
Petitioners,

LEEDARSON LIGHTING CO., LTD. and
LEEDARSON AMERICA, INC.
Joinder Petitioners,¹

JIAWEI TECHNOLOGY (HK) LTD.,
JIAWEI TECHNOLOGY (USA) LTD., AND
SHENZHEN JIAWEI PV LIGHTING CO., LTD.,
Joinder Petitioners²

v.

LIGHTING SCIENCE GROUP CORP.
Patent Owner

Case No. IPR2017-01287
PATENT NO. 8,201,968

PETITIONERS' NOTICE OF APPEAL

¹ Pursuant to the Board's June 6, 2018 Order (Paper 23), IPR2018-00269 has been joined with this proceeding.

² Pursuant to the Board's June 6, 2018 Order (Paper 22), IPR2018-00263 has been joined with this proceeding.

Director of the United States Patent and Trademark Office
Office of the General Counsel
10B20, Madison Building East
600 Dulany Street
Alexandria, VA 22314

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. § 142, Petitioners respectfully give Notice that they hereby appeal, to the United States Court of Appeals for the Federal Circuit, the Patent Trial and Appeal Board's ("Board") Final Written Decision, dated October 31, 2018, that claims 2, 3, 4, 6, 7, 8, 12, and 16 of U.S. Patent No. 8,201,968 have not been shown to be unpatentable, and from all other underlying orders, decisions, rulings, and opinions that are adverse to Petitioners.³

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Petitioners' appeal may include issues related to the Board's interpretation of the prior art; the Board's legal errors in undertaking the anticipation analysis; the Board's decision that Petitioners have not demonstrated, by a preponderance of the evidence, that claims 2-4 and 6 are unpatentable under § 102 by Chou (U.S. Patent No. 7,670,021); that claims 3 and 4 are unpatentable under § 103 over Chou (U.S. Patent No. 7,670,021); that claims 7, 8, and 12 are unpatentable under § 103 over Chou (U.S. Patent No. 7,670,021) and

³ Petitioners are simultaneously filing a Notice of Appeal from IPR2017-01280 regarding U.S. Patent No. 8,967,844 which the Board consolidated with the instant IPR and patent for the purposes of the final hearing.

Roberge (U.S. Patent No. 7,828,465); and that claim 16 is unpatentable under § 103 over Chou (U.S. Patent No. 7,670,021) and Love (U.S. Patent No. 6,616,291), and any findings or determinations supporting or related to those issues, as well as all other issues decided adversely to the Petitioners in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Board. In addition, a copy of this Notice of Appeal, along with the required docketing fees, are being filed electronically with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Date: January 2, 2019

Respectfully submitted,

/Jason G. Harp/

Jason G. Harp

jharp@schiffhardin.com

USPTO Reg. No. 42,634

Stacie R. Hartman

Email: shartman@schiffhardin.com

Admitted *pro hac vice*

Sailesh K. Patel

Email: spatel@schiffhardin.com

USPTO Reg. No. 46,982

Steven H. Noll

Email: snoll@schiffhardin.com

USPTO Reg. No. 28,982

Thomas A. Rammer

Email: trammer@schiffhardin.com

USPTO Reg. No. 62,591

Schiff Hardin LLP

233 South Wacker Drive

Chicago, Illinois 60606

Phone: (312) 258-5500

Fax: (312) 258-5600

*Attorneys for Petitioners Technical Consumer
Products, Inc., Nicor Inc., and Amax Lighting*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4), I hereby certify that on January 2, 2019, I caused a true and accurate copy of the foregoing Petitioners' Notice of Appeal to be served upon counsel of record via email.

Additionally, the undersigned hereby certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's PTAB E2E Filing System, a true and accurate copy of the Petitioners' Notice of Appeal was provided via Federal Express on January 2, 2019, to the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
Office of the General Counsel
10B20, Madison Building East
600 Dulany Street
Alexandria, Virginia 22314

I also hereby certify that a true and correct copy of the foregoing Petitioners' Notice of Appeal, a copy of the Final Written Decision and the prescribed fees were filed electronically through CM/ECF on January 2, 2019 with the United States Court of Appeals for the Federal Circuit.

/Jason G. Harp/
Jason G. Harp (Reg. No. 42,634)