

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALARM.COM INC.
Petitioner

v.

VIVINT, INC.
Patent Owner

Case IPR2016-00173
Patent 6,535,123

**PATENT OWNER'S NOTICE OF APPEAL OF DECISION ON
REMAND**

via PTAB E2E
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®
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 (“Patent Owner”) appeal stems from the Patent Trial and Appeal Board’s Decision on Remand entered on July 24, 2019 (Paper 53) (“Decision on Remand”) in the above-captioned *inter partes* review of United States Patent No. 6,535,123 (“the ’123 Patent”). This notice is timely filed within 63 days of the Decision on Remand. 37 C.F.R. § 90.3(a)(1).

PATENT OWNER’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 hereby appeals to the United States Court of Appeals for the Federal Circuit from the Decision on Remand.

PATENT OWNER’S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner’s issues on appeal include at least: (i) the Board’s finding that claims 3, 4, 10, 14, and 15 of the ’123 Patent are unpatentable as obvious over Shetty; (ii) the Board’s finding that claims 5 and 16 of the ’123 patent are unpatentable as obvious over the combination of Shetty and Levac; and (iii) any finding or determination supporting or related to the aforementioned issues as well as all other issues decided adversely to Patent Owner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Patent Owner 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. Eisenberg/

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

Date: September 25, 2019
1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

CERTIFICATION 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'S NOTICE OF APPEAL OF DECISION ON REMAND** is being filed by U.S.P.S. Priority Mail Express® with the Director on September 25, 2019 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'S NOTICE OF APPEAL OF DECISION ON REMAND** 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 September 25, 2019.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/

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

Date: September 25, 2019
1100 New York Avenue, N.W.
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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S
NOTICE OF APPEAL OF DECISION ON REMAND** was served
electronically via e-mail on September 25, 2019, in its entirety on the following:

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