

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMERSON ELECTRIC CO.,
Petitioner

v.

SIPCO, LLC,
Patent Owner

Case IPR2015-01973
Patent 8,013,732 b2

PETITIONER'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Petitioner, Emerson Electric Co., appeals under 35 U.S.C. § 141 to the United States Court of Appeals for the Federal Circuit from the *Final Written Decision* entered on March 27, 2017 (Paper 25) and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,013,732 (“the ’732 Patent”) including the above-referenced Final Written Decision.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Petitioner anticipates that the issues on appeal may include, but are not limited to, the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or other related issues:

- Whether the Patent Trial and Appeal Board erred in finding that Petitioner had not met its burden of demonstrating that claims 13, 14, 16-21 and 23-35 of the ‘732 patent are obvious under Section 103 of the Patent Act;
- Whether the Patent Trial and Appeal Board erred by refusing to consider the evidence of knowledge of those of skill in the art because it was submitted with the Patent Owner’s Response (Paper 12, Exhibit No. 2004), not as part of Emerson Electric Co.’s Petition, even after that reference was discussed at Trial in this proceeding;

- Whether the Patent Trial and Appeal Board erred in its characterization of the content and teaching of the Kahn reference;
- Whether the Patent Trial and Appeal Board made an error of law by mischaracterizing and misapplying case precedent; and
- Whether the Patent Trial and Appeal Board made an error of law by applying the incorrect legal standard to the obviousness question, including the determination that inventor admissions within the Background section of a patent specification relating to known problems with the prior art cannot be relied upon to establish a motivation to combine.

Simultaneous with the electronic submission of this Notice of Appeal to the Patent Trial and Appeal Board, a copy of this Notice of Appeal is being filed with the United States Patent and Trademark Office by way of hand delivery to the Office of General Counsel to:

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

In addition, consistent with Federal Circuit Rules 15(a)(1) and 25(b)(1), this Notice of Appeal, along with the required docketing fees and a copy of the decision and order of the agency for which review is sought, are being filed

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electronically with the United States Court of Appeals for the Federal Circuit, and one paper copy of the Notice of Appeal is being provided to the Clerk's Office:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Room 401
Washington, DC 20439

Any required fees to the United States Patent and Trademark Office may be charged to Deposit Account No. 50-1860.

Dated: April 3, 2017

Respectfully submitted,

By: /s/ Donald L. Jackson

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2017, a true and correct copy of the foregoing *Petitioner's Notice of Appeal* was served via email, by consent, to Patent Owner by serving the correspondence email addresses of record as follows:

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