

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BAKER HUGHES INCORPORATED  
and  
BAKER HUGHES OILFIELD OPERATIONS, INC.,  
Petitioners

v.

PACKERS PLUS ENERGY SERVICES INC.,  
Patent Owner

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Case IPR2016-00596<sup>1</sup>  
Patent 7,134,505 B2

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**EXCLUSIVE LICENSEE'S NOTICE OF APPEAL**

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<sup>1</sup> IPR2016-01496 was joined to IPR2016-00596.

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2(a), 90.3 and 104.2, Exclusive Licensee, Rapid Completions LLC, (“Rapid Completions”) hereby provides notice of its appeal to the United States Court of Appeals for the Federal Circuit for review of the Final Written Decision of the United States Patent and Trademark Office (“USPTO”) Patent Trial and Appeals Board (“PTAB”) in Inter Partes Review 2016-00596, concerning U.S. Patent 7,134,505 B2 (“the ’505 patent”), entered on September 26, 2018, attached hereto as Appendix A.

#### **ISSUES TO BE ADDRESSED ON APPEAL**

- A. Whether the PTAB erred in finding that claims 1–7, 14–22, and 24–26 are unpatentable as anticipated by Thomson;
- B. Whether the PTAB erred in concluding that claim 15 is unpatentable as obvious over Thomson and Hartley;
- C. Whether the PTAB erred in concluding that claims 23 and 27 are unpatentable as obvious over Thomson and Ellsworth;
- D. Whether the PTAB erred in concluding that claims 1–7, 14–22, and 24–26 are unpatentable as obvious over Thomson and Brown;
- E. Whether the PTAB erred in concluding that claim 15 is unpatentable as obvious over Thomson, Hartley, and Brown;
- F. Whether the PTAB erred in concluding that claims 23 and 27 are

- unpatentable as obvious over Thomson, Ellsworth, and Brown;
- G. Whether the PTAB erred in concluding that claims 1–7 and 14–27 are unpatentable as obvious over Lane-Wells and Ellsworth;
  - H. Whether the PTAB erred in concluding that claim 15 is unpatentable as obvious over Lane-Wells, Ellsworth, and Hartley;
  - I. Whether the PTAB erred in concluding that claim 11 is unpatentable as obvious over Lane-Wells, Ellsworth, and Echols?
  - J. Whether the PTAB erred in giving insufficient weight to Patent Owner’s secondary considerations of non-obviousness?
  - K. Whether the PTAB erred in concluding that a person of ordinary skill in the art would have been motivated to combine the teachings of the prior art and would have achieved the claimed invention with a reasonable expectation of success?

Rapid Completions reserves the right to challenge any finding or determination supporting or related to the issues listed above, and to challenge any other issues decided adversely to Rapid Completions in the Final Written Decision and/or any orders, decisions or rulings underlying the Final Written Decision.

Simultaneous with submission of this Notice of Appeal to the Director of the United States Patent and Trademark Office, this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal, along

with the required docketing fees, is being filed with the United States Court of Appeals for the Federal Circuit.

Dated: November 26, 2018

Respectfully submitted,

*/Gregory J. Gonsalves/*

Dr. Gregory Gonsalves

Reg. No. 43,639

2216 Beacon Lane

Falls Church, Virginia 22043

(571) 419-7252

[gonsalves@gonsalveslawfirm.com](mailto:gonsalves@gonsalveslawfirm.com)

## **CERTIFICATE OF SERVICE**

The undersigned certifies that in addition to being filed electronically through the Patent Trial and Appeal Board's E2E system the foregoing NOTICE OF APPEAL was served on the Director of the United States Patent and Trademark Office, at the following address (in accordance with 37 C.F.R. §§ 90.2(a), 104.2):

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
United States Patent and Trademark Office  
P.O. Box 1450 Alexandria, Virginia 22313-1450

## **CERTIFICATE OF FILING**

The undersigned certifies that on November 26, 2018, a true and correct copy of the foregoing NOTICE OF APPEAL was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit at the following address:

Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place NW  
Washington, DC 20005

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