

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WEATHERFORD INTERNATIONAL, LLC, WEATHERFORD/LAMB, INC.,
WEATHERFORD US, LP, and WEATHERFORD ARTIFICIAL LIFT
SYSTEMS, LLC,
Petitioners

v.

PACKERS PLUS ENERGY SERVICES INC.,
Patent Owner

Case IPR2016-01509
Patent 7,861,774

EXCLUSIVE LICENSEE'S NOTICE OF APPEAL

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 2016-01509, concerning U.S. Patent 7,861,774 (“the ’774 patent”), entered on February 22, 2018, attached hereto as Appendix A.

ISSUES TO BE ADDRESSED ON APPEAL

- A. Whether the PTAB erred in concluding that claims 1, 3–7, 9–10, 12 and 16 would have been obvious under 35 U.S.C. § 103 over Yost, Thomson and Ellsworth?
- B. Whether the PTAB erred in concluding that claims 1, 3–7, 9–10, 12 and 16 would have been obvious under 35 U.S.C. § 103 over Thomson and Ellsworth?
- C. Whether the PTAB erred in giving insufficient weight to Patent Owner’s secondary considerations of non-obviousness?
- D. Whether the PTAB erred in concluding that Patent Owner did not demonstrate commercial success?
- E. Whether the PTAB erred in concluding that Patent Owner did not

demonstrate a long-felt but unsolved need?

- F. Whether the PTAB erred in concluding that Patent Owner did not show that the claimed invention was contrary to accepted wisdom and produced unexpected results?
- G. 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?
- H. Whether the Board erred in considering new evidence submitted for the first time in Petitioners' Reply?

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: April 20, 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

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 April 17, 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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