

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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K/S HIMPP

Petitioner,

v.

III Holdings 4, LLC

Patent Owner.

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Case IPR2017-00781  
Patent No. 8,654,999

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**PATENT OWNER'S NOTICE OF APPEAL**

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, and 319, and 37 C.F.R. §§ 90.2(a) and 90.3(a), that Patent Owner III Holdings 4, LLC hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on July 23, 2018 (Paper 26) in IPR2017-00781 (Exhibit A), and from all underlying orders, decisions, rulings and opinions that are adverse to Patent Owner, including, without limitation, those within the Decision on Institution of Inter Partes Review, entered on July 27, 2017 (Paper 8).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, but are not limited to, the Board's claim constructions, the Board's determination that claims 1-5 and 16 are unpatentable as obvious over Fichtl, Mangold, and Bisgaard, the Board's determination that claim 18 is unpatentable as obvious over Fichtl, Mangold, Bisgaard, and Sacha, the Board's determination that claims 6-9 and 17 are unpatentable as obvious over Fichtl, Sacha, Mangold, and DE961, the Board's determination that claim 19 is unpatentable as obvious over Fichtl, Sacha, Mangold, Bisgaard, and DE961, the Board's overruling of Patent Owner's objections to Exhibit 1009 and denial of Patent Owner's motion to exclude Exhibit 1009, any finding or determination supporting or relating to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

This Notice of Appeal is timely pursuant to 37 C.F.R. § 90.3, having been duly filed within 63 days after the Final Written Decision.

Simultaneous with this submission, a copy of the Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal, along with the required docketing fees, is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit. In addition, pursuant to Fed. Cir. R. 15(a)(1), one paper copy of the notice is also being sent to the Clerk of the Federal Circuit.

If there is any fee due in connection with the filing of this Notice of Appeal, please charge the fee to Deposit Account No. 50-1662.

Respectfully submitted,

Date: September 21, 2018

/s/ Henry A. Petri, Jr.  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that in addition to being filed electronically with the U.S. Patent and Trademark Office, pursuant to 37 C.F.R. §§ 42.6(e)(4) and 90.2, the foregoing PATENT OWNER'S NOTICE OF APPEAL and all accompanying documents, were filed by Express Mail on September 21, 2018, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the U.S. Patent and Trademark Office  
c/o Office of the General Counsel  
P.O. Box 1450  
Alexandria, VA 22313-1450

The undersigned certifies that a copy of the foregoing Patent Owner's Notice of Appeal and accompanying documents, along with the required docket fee, was filed on September 21, 2018, with the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system and the filing fee is being paid electronically using pay.gov, and that a copy of the foregoing Patent Owner's Notice of Appeal and accompanying documents were filed with the Patent Trial and Appeal Board electronically on September 21, 2018, pursuant to 37 C.F.R. 42.6(b), and that the foregoing Notice of Appeal and accompanying documents were served upon the Petitioner pursuant to 37 C.F.R. 42.6(e)(1) via

electronic mail on September 21, 2018, by serving the following attorneys of record as follows:

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