

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLIR Systems, Inc.
and
FLIR Maritime US, Inc. (f/k/a Raymarine, Inc.),
Petitioners,

v.

Garmin Switzerland GmbH,
Patent Owner

PETITIONER'S NOTICE OF APPEAL UNDER 37 C.F.R. § 90.2(a)

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner FLIR Systems, Inc. and FLIR Maritime US, Inc. (f/k/a Raymarine, Inc.) (“FLIR”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper No. 38) (the “Final Written Decision”), in IPR2017-00946, entered on July 10, 2018, by the United States Patent and Trademark Office, Patent Trial and Appeal Board (the “Board”), and from all underlying orders, decisions, rulings, and opinions. A copy of the Final Written Decision is attached hereto as Exhibit A.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), FLIR further indicates that the issues on appeal may include, but are not limited to, the Board’s determination that claims 1–7, 12–23, 25–27, and 41–44 of U.S. Patent Number 7,268,703 have not been shown to be unpatentable, specifically, that (1) claims 1, 7, 12, 19, and 27 are not anticipated under 35 U.S.C. § 102 by de Jong, or that (2) claims 2–6, 13–18, 20–23, 25, 26, and 41–44 would not have been obvious under 35 U.S.C. § 103 in light of de Jong and Tetley. The issues on appeal may also include the Board’s determination to grant Patent Owner’s contingent motion to amend with respect to cancelling claim 45 and substituting proposed claims 72 and 73 for claims 28 and 29.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed through the Patent Trial and Appeal Board End to End (“PTAB E2E”)

System. In addition, a copy of the Notice of Appeal, along with the required docketing fee, is being filed with the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

Dated: September 7, 2018

Respectfully submitted,

/ Brian E. Ferguson/

Brian E. Ferguson (Reg. No. 36,801)
Christopher Pepe (Reg. No. 73,851)
Stephen P. Bosco (*pro hac vice*)
Weil, Gotshal & Manges LLP
2001 M Street NW, Suite 600
Washington, D.C. 20036
T: 202-682-7000

Anish R. Desai (Reg. No. 73,760)
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, NY 10153-0119
T: 212-310-8730

Counsel for Petitioners

CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the PTAB E2E System, the original version of Petitioner's Notice of Appeal, has been sent via priority mail on September 7, 2018, to the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314-5793

The undersigned also certified that a true and correct copy of Petitioner's Notice of Appeal and the required filing fee were filed electronically via CM/ECF on September 7, 2018, with the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

The undersigned also certifies that a true and correct copy of Petitioner General Electric's Notice of Appeal was served on September 7, 2018, via electronic mail, upon the following counsel of record for Patent Owner Garmin Switzerland GmbH:

Jennifer C. Bailey
Adam P. Seitz
ERISE IP, P.A.
6201 College Blvd., Suite 300
Overland Park, Kansas 66211
Telephone: (913) 777-5600
Fax: (913) 777-5601
PTAB@eriseip.com

Dated: September 7, 2018

Respectfully submitted,

/ Brian E. Ferguson/

Brian E. Ferguson (Reg. No. 36,801)
Weil Gotshal & Manges LLP
2001 M Street, NW
Washington, DC 20036
T: 202-682-7000
E: FLIR.703.IPR@Weil.com