

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BLD SERVICES, LLC  
Petitioner

v.

LMK TECHNOLOGIES, LLC  
Patent Owner

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Case IPR2014-00770  
Patent 8,667,991

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NOTICE OF APPEAL  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT  
BY PATENT OWNER LMK TECHNOLOGIES, LLC

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

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c) and 142, 37 C.F.R. §§ 90.2(a) and 90.3, Rule 15 of the Federal Rules of Appellate Procedure, and Local Rule 15 of the United States Court of Appeals for the Federal Circuit, that Patent Owner LMK Technologies, LLC (“LMK”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on November 18, 2015 (Paper 40) (the “Final Written Decision”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), LMK further indicates that the issues on appeal include all issues decided adversely to LMK in any orders, decisions, rulings and opinions. This includes, but is not limited to:

1. The Board’s determination of unpatentability of claims 1 and 5-37 of subject U.S. Patent No. 8,667,991 (“the ‘991 patent”), under 35 U.S.C. § 103(a), as being unpatentable over Kiest U.S. Patent No. 6,994,118, Kiest U.S. Patent No. 5,765,597 and De Neef Brochure, and any finding or determination supporting or related to that determination.
2. The proper construction of claims 1 and 5-37 of the ‘991 patent, including application of the appropriate legal standard.

Simultaneous with this submission, a copy of this Notice of Appeal is being

filed with the Patent Trial and Appeal Board and the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Dated: January 20, 2016

Respectfully submitted,

/Christopher L. McKee/

By: \_\_\_\_\_

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LMK Technologies, LLC

**CERTIFICATES OF FILING AND SERVICE**

I hereby certify that a true and correct copy of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY PATENT OWNER LMK TECHNOLOGIES, LLC is being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS) on this 20th day of January, 2016, and, additionally that on the same date a true and correct copy is being hand delivered 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  
Madison Building East, 10B20  
600 Dulany Street  
Alexandria, VA 22314-5793

I hereby certify that a true and correct copy of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY THE PATENT OWNER LMK TECHNOLOGIES, LLC is being filed electronically with the filing fee on this 20th day of January, 2016, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit. On the same date, pursuant to Fed. Cir. L.R. 15, three true and correct copies of the foregoing are being sent to the Clerk's Office via U.S. Express Mail at the following address:

United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W., Room 401  
Washington, D.C. 20005

I hereby certify service on the Petitioner, pursuant to 37 C.F.R. § 42.6(e) and agreement of the parties, by email delivery of a true copy of the foregoing NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY THE PATENT OWNER LMK TECHNOLOGIES, LLC, to counsel of record for Petitioner as follows:

Scott A.M. Chambers, PhD.

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on this 20th day of January, 2016.

/Christopher L. McKee/

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