

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALARM.COM INCORPORATED,  
Petitioner

v.

VIVINT, INC.,  
Patent Owner

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Case IPR2016-00116  
Patent 6,147,601

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**PATENT OWNER VIVINT, INC.'S NOTICE OF APPEAL**

via PTAB E2E  
Patent Trial and Appeal Board

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

via CM/ECF  
United States Court of Appeals for the Federal Circuit

## INTRODUCTION

Vivint, Inc.’s appeal stems from the Patent Trial and Appeal Board’s Final Written Decision entered on May 2, 2017 (Paper 39) (the “Final Written Decision”) in the above-captioned *inter partes* review of United States Patent No. 6,147,601. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(b)(1).

Once the present appeal is docketed, Patent Owner respectfully requests that the Federal Circuit consolidate this appeal with the appeals of related *Inter Partes* review proceedings IPR2016-00161 and IPR2016-00173, concurrently filed today, into one single appeal for briefing and argument.

## VIVINT, INC.’S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Patent Owner Vivint, Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision based on the “Decision, Granting Institution of *Inter Partes* Review” entered on May 4, 2016 (Paper 14) (the “Institution Decision”).

## VIVINT, INC.’S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Vivint, Inc.’s issues on appeal include at least: (i) the Board’s finding that claims 1, 2, 4, 6, 10-13, 15, 17, 22, 23,

25, 29, and 38 would have been obvious over Shetty; (ii) the Board's finding that claim 7 would have been obvious over Shetty and Levac; (iii) the Board's finding that claims 14, 17, 18, and 38 would have been obvious over Shetty and French; and (iv) any findings or determinations supporting or related to the aforementioned issues as well as all other issues decided adversely to Vivint, Inc. in any orders, decisions, rulings, phone conference decisions, and/or opinions.

Simultaneously with this submission, Vivint, Inc. is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/ Jason D. Eisenberg /

Robert Greene Sterne (Reg. No. 28,912)  
Jason D. Eisenberg (Reg. No. 43,447)  
Attorneys for Patent Owner

Date: June 22, 2017

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(202) 371-2600

**CERTIFICATE OF FILING**

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PATENT OWNER VIVINT, INC.'S NOTICE OF APPEAL** is being filed by hand with the Director on June 22, 2017, at the following address:

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

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PATENT OWNER VIVINT, INC.'S NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on June 22, 2017.

Respectfully submitted,

Date: June 22, 2017

/Jason D. Eisenberg/

Jason D. Eisenberg (Reg. No. 43,447)  
Attorney for Patent Owner

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing **PATENT OWNER**  
**VIVINT, INC.'S NOTICE OF APPEAL** was served electronically via e-mail on  
June 22, 2017, in its entirety on the following counsel for Petitioner:

William H. Mandir ([wmandir@sughrue.com](mailto:wmandir@sughrue.com)) (Lead Counsel)  
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Respectfully submitted,

Date: June 22, 2017

/ Jason D. Eisenberg /

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