

Filed: May 1, 2019

Filed on Behalf of:

Patent Owner LiquidPower Specialty Products Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAKER HUGHES INCORPORATED, a GE COMPANY LLC
Petitioner

v.

LIQUIDPOWER SPECIALTY PRODUCTS INC.,
Patent Owner

Case IPR2016-01901
Patent No. 8,450,249 B2

PATENT OWNER'S NOTICE OF APPEAL

INTRODUCTION

LiquidPower Specialty Products Inc.’s (“LSPI’s”) appeal stems from the Patent Trial and Appeal Board’s Final Written Decision entered on April 4, 2018 (Paper 65) (the “Final Written Decision”) in the above-captioned *inter partes* review of United States Patent No. 8,450,249 (the “’249 Patent”). Please note that the Final Written Decision in this matter has been sealed to the public, and currently only the Parties and the Board have access to it. The redacted version of the Final Written Decision is attached to this Notice. This notice is timely filed within 63 days of the Board’s Decision to Deny Patent Owner’s Request for Rehearing (Paper 70), which was entered on March 4, 2019. 37 C.F.R. § 90.3(b)(1).

LSPI’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 LSPI hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision based on the “Decision, Institution of Inter Partes Review” entered on April 07, 2017 (Paper 10) (the “Institution Decision”).

LSPI’S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), LPSI’s issues on appeal may include, but are not limited to: (i) the Board’s finding that claims 1-5 of the ’249

patent are unpatentable under 35 U.S.C. § 103 as obvious over the combination of the Holtmyer Publication, the Holtmyer Patent, and Carnahan; (ii) the Board's finding that claims 1-5 of the '249 patent are unpatentable under 35 U.S.C. § 103 as obvious over the combination of Inaoka and Carnahan; (iii) whether the objective evidence of non-obviousness precludes each of the findings of obviousness on claims 1-5 of the '249 patent; (iv) the Board's claim construction; and (v) any findings or determinations supporting or related to the aforementioned issues, as well as all other issues decided adversely to LSPI in any orders, decisions, rulings, and/or opinions.

Simultaneously with this submission, LSPI 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.

Dated: May 1, 2019

Respectfully Submitted,

/Elizabeth S. Weiswasser/

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*Attorneys for Patent Owner LiquidPower
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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'S NOTICE OF APPEAL is being sent via priority mail on May 1, 2019, 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, 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'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 May 1, 2019.

Dated: May 1, 2019

Respectfully Submitted,

/Elizabeth S. Weiswasser/

Elizabeth S. Weiswasser

Reg. No. 55,721

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