

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

POLYCOM, INC.
Petitioner,

v.

DIRECTPACKET RESEARCH, INC.
Patent Owner.

Case IPR2019-01234

Patent No. 7,710,978

PETITIONERS' NOTICE OF APPEAL

via PTABE2E
Patent Trial and Appeal Board

First-Class Mail
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

Notice is hereby given, pursuant to 35 U.S.C. §§ 141, 142, and 319 and 37 C.F.R. §§ 90.2(a), 90.3 and 104.2, and Rule 4(a) of the Federal Rules of Appellate Procedure, that Petitioner Polycom, Inc., hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on January 11, 2021 (Paper No. 62) (the “Final Written Decision”) and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 7,710,978 (“the ‘978 Patent”) set forth in *Inter Partes* Review IPR2019-01234.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner further indicates that the issues on appeal include, but are not limited to:

- The Board erred in finding that claims 8, 9, 19, 20, 27 and 28 of the ‘978 patent are not unpatentable under 35 U.S.C. § 103(a) based on Krtolica and Kirchhoff;
- The Board erred in finding that claims 27 and 28 of the ‘978 patent are not unpatentable under 35 U.S.C. § 103(a) based on Krtolica, Kirchhoff, and Hosner; and
- any other issues decided adversely to Petitioner in an order, decision, ruling, or opinion underlying or supporting the Final Written Decision.

A copy of the Final Written Decision is attached to this Notice.

Simultaneously with this submission, Petitioners are providing a true and accurate copy of this Notice of Appeal to the Office of the General Counsel for the U.S. Patent and Trademark Office via U.S. First-Class Mail and submitting via ECF 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,

Oblon, McClelland, Maier &
Neustadt, LLP

Dated: March 15, 2021

/John F. Presper/
John F. Presper (Reg. No. 53,483)
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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through the PTAB E2E system, a true and correct copy of the above-captioned NOTICE OF APPEAL is being provided via first-class mail to 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, 10B20
600 Dulany Street
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned NOTICE OF APPEAL is being filed via CM/ECF with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Oblon, McClelland, Maier &
Neustadt, LLP

Dated: March 15, 2021

/John F. Presper/
John F. Presper (Reg. No. 53,483)
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies service of PETITIONERS' NOTICE OF APPEAL on the counsel of record for the Petitioners by filing this document through the PTAB E2E System as well as delivering a copy via electronic mail to the following addresses:

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