

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL SECURITIES EXCHANGE, LLC
Petitioner

v.

CHICAGO BOARD OPTIONS EXCHANGE, INC.
Patent Owner

Case IPR2014-00097
U.S. PATENT NO. 7,356,498

**PETITIONER INTERNATIONAL SECURITIES EXCHANGE, LLC
NOTICE OF APPEAL**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via the Patent Review Processing System

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner International Securities Exchange, LLC, Inc. (“ISE”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on March 2, 2015 (Paper No. 39), and from all underlying findings, orders, decisions, rulings and opinions, including, without limitation, those within the Decision on Institution of *Inter Partes* Review entered on May 22, 2014 (Paper No. 12).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), ISE states that the issues on appeal include, but are not limited to: the decision of the Patent Trial and Appeal Board (the “PTAB”) denying Petitioner’s petition to cancel claims 1, 8, 9, 11, 14, 15 and 23 of U.S. Patent No. 7,356,498 (the “’498 patent”); the decision by the Patent Trial and Appeal Board denying certain grounds advanced by Petitioners in the petition to institute proceedings to cancel claims 1-28 of the ’ 498 patent; the claim constructions of the PTAB; the PTAB’s factual findings with respect to the teachings of the Tilfors and Baird prior art references; the PTAB’s legal conclusion that claims 1 and 8 of the ‘498 patent were not anticipated by the Tilfors reference; the PTAB’s legal conclusion that claims 9, 11, 14, 15 and 23 of the ‘498 patent were not obvious over the Tilfors and Baird references; the PTAB’s analytical errors in its misapplication of its own claim construction; the PTAB’s decision to

credit Patent Owner's arguments over that of Petitioner's witness; and any finding or determination supporting or relating to those issues, as well as all other issues decided adversely to Petitioner in any orders, decisions, rulings and opinions.

Simultaneous with this submission to the PTAB, a copy of this Notice of Appeal is being filed with the Director of the United States Patent and Trademark Office. In addition, three copies of this Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: April 30, 2015

/Michael M. Murray/
Michael M. Murray, Reg. No. 32,537

*Counsel for Petitioner International
Securities Exchange, LLC*

CERTIFICATION OF SERVICE AND FILING

In accordance with § 42.6(e)(1), the undersigned certifies that on this 30th day of April, 2015, the above **“PETITIONER INTERNATIONAL SECURITIES EXCHANGE, LLC NOTICE OF APPEAL”** was served, via electronic mail upon the following counsel for Patent Owner Chicago Board Options Exchange, Inc.:

Joseph A. Hynds, Esq.
Steven Lieberman, Esq.
Jason Shapiro, Esq.
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The undersigned further certifies that on this 30th day of April, 2015, in addition to being filed electronically through the Board’s PRPS System, a true and correct copy of the foregoing **“PETITIONER INTERNATIONAL SECURITIES EXCHANGE, LLC NOTICE OF APPEAL”** was filed by hand with 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, Virginia

The undersigned further certifies that on this 30th day of April, 2015, three true and correct copies of the foregoing “**PETITIONER INTERNATIONAL SECURITIES EXCHANGE, LLC NOTICE OF APPEAL**” and the filing fee, were filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

Respectfully submitted,

Dated: April 30, 2015

/Michael J. Scheer/
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