

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL SECURITIES EXCHANGE, LLC,
Petitioner,

v.

CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED,
Patent Owner.

Case CBM2013-00050
Patent 7,980,457 B2

Before JUSTIN T. ARBES, RAMA G. ELLURU, and JAMES B. ARPIN,
Administrative Patent Judges.

**PATENT OWNER CHICAGO BOARD OPTIONS EXCHANGE,
INCORPORATED'S NOTICE OF APPEAL**

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 37 C.F.R. § 90.2(a), that Patent Owner Chicago Board Options Exchange, Incorporated (“CBOE”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on March 2, 2015 (Paper No. 51), and all underlying orders, decisions, rulings, and opinions.

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

1. The Patent Trial and Appeal Board’s determination of unpatentability of claims 1-7 of CBOE’s U.S. Patent No. 7,980,457, under 35 U.S.C. § 101, including any finding, claim interpretation, or determination supporting or related to this issue; and

2. The Patent Trial and Appeal Board’s determination that 35 U.S.C. § 101 is a permissible basis for review in a Covered Business Method proceeding.

Simultaneously with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. 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,

Date: May 1, 2015

By: /Joseph A. Hynds /
Joseph A. Hynds, Reg. No. 34,627
Steven Lieberman (admitted *pro hac vice*)
Jason M. Shapiro, Reg. No. 35,354
Brian A. Tollefson, Reg. No. 46,338
ROTHWELL, FIGG, ERNST &
MANBECK, P.C.
607 14th Street, N.W., Suite 800
Washington, DC 20005
Phone: 202-783-6040
Facsimile: 202-783-6031

*Counsel for Patent Owner
Chicago Board Options Exchange,
Incorporated*

CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing PATENT OWNER CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED'S NOTICE OF APPEAL, was filed by hand on this 1st day of May, 2015, 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
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

CERTIFICATE OF FILING

I hereby certify that three (3) true and correct copies of the foregoing PATENT OWNER CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED'S NOTICE OF APPEAL, were filed by hand on this 1st day of May, 2015, 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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PATENT OWNER CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED'S NOTICE OF APPEAL, was served, in accordance with the parties' electronic service agreement, by electronic mail on this 1st day of May, 2015, upon the following lead and backup counsel of record for Petitioner International Securities Exchange, LLC:

Michael M. Murray, Esq.
Bryan N. DeMatteo, Esq.
Michael J. Scheer, Esq.
Winston & Strawn LLP
200 Park Avenue
New York, NY 10166-4193
Phone: 212-294-3510
Fax: 212-294-6700
E-mails: bdematteo@winston.com
mmurray@winston.com
mscheer@winston.com

/ Erik van Leeuwen /

Erik van Leeuwen
Litigation Operations Coordinator
Rothwell, Figg, Ernst & Manbeck, P.C.