

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc.
Petitioner, Appellee

v.

AIP Acquisition LLC
Patent Owner, Appellant

Case IPR2014-00247
Patent 7,724,879 B2

Before, JAMESON LEE, HOWARD B. BLANKENSHIP, and JUSTIN BUSCH,
Administrative Patent Judges.

**NOTICE OF APPEAL TO THE UNITED STATES COURT
OF APPEALS FOR THE FEDERAL CIRCUIT BY
AIP ACQUISITION LLC**

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

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner, AIP Acquisition LLC (“AIP”), hereby appeals the Board’s Final Written Decision entered on May 20, 2015 (Paper No. 39) that claims 1-8, 12, 14 and 15 of U.S. Patent No. 7,724,879 B2 have been shown to be unpatentable to the United States Court of Appeals for the Federal Circuit, and from all underlying orders, decisions, rulings and opinions, including, without limitation, the Decision on Institution of *Inter Partes* Review entered on May 27, 2014 (Paper No. 14).

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

- a. Whether the Board erred in construing the claim term “internet protocol.”
- b. Whether the Board erred in concluding that an ordinary artisan could combine the experimental Weinstein-Forgie system and experimental RFC 1190 specification (ST2) to produce the claimed invention.
- b. Whether the Board erred in concluding that an ordinary artisan would find it obvious to upgrade a defunct experimental system using a new and different experimental software specification.

- c. Whether the Board erred in concluding that experimental ST2 implementations demonstrate the combinability of the experimental Weinstein-Forgie system and experimental ST2 specification despite Delgrossi's teaching that the experimental ST2 specification is deficient.
- d. Whether the Board's obviousness determination is legally erroneous.
- e. Whether the Board's Decision rested on impermissible hindsight reconstruction of the claimed invention.

Simultaneous 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: July 17, 2005

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.6(e)(4)(iii), the undersigned certifies that on July 17, 2015, a complete and entire copy of this Notice of Appeal to the United States Court of Appeals for the Federal Circuit by AIP Acquisition LLC was provided via email to the Petitioner by serving the correspondence email addresses of record as follows:

David McCombs
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I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing, Notice of Appeal to the United States Court of Appeals for the Federal Circuit by AIP Acquisition LLC, was filed by Express Mail on this 17th day of July, 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
Room 10B20
Madison Building East
600 Dulany Street
Alexandria, Virginia 22314

I hereby certify that three (3) true and correct copies of the foregoing, Notice of Appeal to the United States Court of Appeals for the Federal Circuit by AIP Acquisition LLC, were filed by Express Mail on this 17th day of July, 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 20439

/Chi Eng/
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