

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONTINENTAL AUTOMOTIVE SYSTEMS, INC.,

Petitioner,

v.

**WASICA FINANCE GMBH &
BLUEARC FINANCE AG,**

Patent Owner.

IPR No. IPR2014-00295

U.S. Patent No. 5,602,524

Before the Honorable RAMA G. ELLURU, SCOTT A. DANIELS, and JEREMY
M. PLENZLER, *Administrative Patent Judges.*

**PETITIONER CONTINENTAL AUTOMOTIVE SYSTEM, INC.'S
NOTICE OF CROSS-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) and 35 U.S.C. §§ 141(c) and 142, that Petitioner, Continental Automotive Systems, Inc.

(“Continental”) hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on June 17, 2015 (Paper 41) (the “Final Written Decision”) and finding that claims 6-9 and 20 were not shown unpatentable, and from all underlying orders, decisions, rulings, and opinions forming a predicate therefore, including without limitation the Decision on Institution of Inter Partes Review entered on June 27, 2014 (Paper 11) (the “Institution Decision”).

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

(1) the Patent Trial and Appeal Board’s (“PTAB”) determination that claims 6 and 9, and therefore, depending claims 7, 8, and 20, of U.S. Patent No. 5,602,524 (the “524 Patent) were not demonstrated to be unpatentable under 35 U.S.C. §§ 102, 103, including the PTAB’s determination and application of the knowledge and level of skill of a person of ordinary skill in the art and failure to consider evidence presented with the Petition for

Inter Partes Review (Paper 3) and Petitioner's Reply to Patent Owner's Response (Paper 29);

(2) the PTAB's claim constructions, including, but not limited to, that of "bit sequence"; and

(3) any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Continental in any underlying orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board and the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

BRINKS GILSON & LIONE

August 17, 2015

By / Gary M. Ropski/
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Attorneys for Petitioner

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, PETITIONER CONTINENTAL AUTOMOTIVE SYSTEM, INC.'S NOTICE OF APPEAL, was filed on this 17th day of August, 2015, with the Director of the United States Patent and Trademark Office, by depositing with the United States Postal Service Express Mail (Label No. EV 950037087) in an envelope addressed to:

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 a true and correct copy of the foregoing, PETITIONER CONTINENTAL AUTOMOTIVE SYSTEM, INC.'S NOTICE OF APPEAL, was filed electronically on this 17th day of August, 2015, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit:

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, PETITIONER CONTINENTAL AUTOMOTIVE SYSTEM, INC.'S NOTICE OF APPEAL, was

served in its entirety on the Patent Owner, Wasica, in accordance with the Patent Owner's designated electronic service information, on August 17, 2015, by electronic mail upon the following addresses for Patent Owner and its counsel of record:

IPR2014-01454@fr.com

hawkins@fr.com

Respectfully submitted,

BRINKS GILSON & LIONE

August 17, 2015

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