

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION
Petitioner

v.

INTELLECTUAL VENTURES II LLC
Patent Owner

Case IPR2015-00092
Patent 6,546,002

PATENT OWNER'S NOTICE OF APPEAL

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INTRODUCTION

Intellectual Ventures II LLC (“Intellectual Ventures”) appeals from the Patent Trial and Appeal Board’s Final Written Decision entered on April 25, 2016 (Paper 44) (the “Final Written Decision”) in the above-captioned *inter partes* review of United States Patent No. 6,546,002. This notice is timely filed within 63 days of the Board’s Final Written Decision. 37 C.F.R. § 90.3(a)(1).

INTELLECTUAL VENTURES’ APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and the Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Patent Owner Intellectual Ventures hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision based on the “Decision Institution of *Inter Partes* Review 37 C.F.R. § 42.108” entered on April 27, 2015 (Paper No. 8) (the “Institution Decision”).

INTELLECTUAL VENTURES’ ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Intellectual Ventures’s issues on appeal include, at least, whether: (1) the Board erred in finding that claims 25, 26, 30–31, 34–36, 40–43, and 47–49 of U.S. Patent No. 6,546,002 are unpatentable as anticipated by Richardson; (2) the Board erred in finding that claims 28, 32–33, 37–39, and 44–46 are unpatentable as obvious based on combinations involving Richardson; (3) the Board erred in finding that claims 25, 26, 31, 34, 35, 40, 41,

43, and 47–49 are unpatentable as anticipated by Murray; (4) the Board erred in finding that claims 30, 32, 36–37, 39, 42, 44, and 46 are unpatentable as obvious based on combinations involving Murray; (5) the Board erred in denying Patent Owner’s Motion to Exclude the Murray reference; (6) the Board erred in its construction of certain patent terms; and (7) any findings or determinations by the Board supporting or relating to the aforementioned issues, as well as all other issues decided adversely to Intellectual Ventures in any orders, decisions and/or rulings, were in error.

Simultaneously with this submission, Intellectual Ventures is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and 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,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Byron L. Pickard/

Date: June 24, 2016

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Byron L. Pickard (Reg. No. 65,172)
Attorney for Patent Owner

CERTIFICATION OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PRPS, a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL** is being filed by hand with the Director on June 24, 2016, 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, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on June 24, 2016.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that **PATENT OWNER'S NOTICE OF APPEAL** was served electronically via e-mail on June 24, 2016, in its entirety on the following:

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