

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 IPR2015-00307
Patent 7,269,247 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 18, 2016 (Paper No. 28) that claims 1-9, 11-24, and 26-29 of U.S. Patent No. 7,269,247 B2 (the ’247 patent) 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 20, 2015 (Paper No. 9).

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:

1. Whether the Board erred in its construction of claim terms of the ’247 patent including “internet/Internet protocol,” “conversion,” and “Internet.”
2. Whether the Board erred in its obviousness finding and analysis including its evaluation of:
 - a. Objective considerations; and
 - b. Motivation to combine and combinability of the experimental Weinstein-Forgie system and Experimental RFC 1190 specification (ST2).

3. Whether the Board erred in requiring a separate determination of “enablement” of a cited 103 reference as a precursor to its obviousness analysis.
4. Whether the Board erred in its evaluation of certain “implementations” of the ST-II protocol.
5. Whether the Board’s characterization of a cited 103 reference as a 102 reference constitutes a new argument or a new ground of unpatentability beyond those instituted for *inter partes* review under 35 U.S.C. §314.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed electronically with the United States Court of Appeals for the Federal Circuit via CM/ECF, along with the required filing fee.

Respectfully submitted,

Date: July 18, 2016

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e), the undersigned certifies that on July 18, 2016, 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 counsel of record by serving the correspondence email addresses of record as follows:

David McCombs
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In addition, I hereby certify that the foregoing Notice of Appeal was electronically filed electronically with the US Patent and Trademark Office via the PTAB E2E System and with the United States Court of Appeals for the Federal Circuit via CM/ECF.

/Chi Eng/
Chi Eng