

Filed on behalf of CAP CO., LTD.

By: John S. Ferrell (Reg. No. 34,593)  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MCAFEE, INC.

Petitioner

v.

CAP CO., LTD.

Patent Owner

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Case No.: IPR2016-00222

U.S. Patent No. RE42,196E

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**PATENT OWNER CAP CO., LTD.'S NOTICE OF APPEAL**

Director of the United States Patent and Trademark  
Office c/o Office of the Solicitor  
Madison Building East, 1OB20  
600 Dulany Street  
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner CAP Co., Ltd. (“CAP Co.”) hereby appeals to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141 and 142 from the Final Written Decision of the Patent Trial and Appeal Board (“PTAB” or “Board”) entered on March 2, 2017 (Paper 49) (the “Final Written Decision”), and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to, the PTAB’s application and use of the broadest reasonable interpretation standard, claim construction, expert opinions, determination of unpatentability of claims 1, 3-5, 8-12, and 14-15 of U.S. Patent No. RE42,196 (“196 patent”), analysis of the alleged prior art references, objective standard of obviousness, secondary considerations of non-obviousness, motivation to combine the alleged prior art references, and the refusal to enter contingent amendments filed by Patent Owner, including proposed claims 36-46; as well as all other appealable issues decided adversely to Patent Owner in any orders, decisions, rulings and opinions.

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.

Dated: May 4, 2017

Respectfully submitted,

By /John Ferrell/  
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*Attorneys for Patent Owner*

## **CERTIFICATE OF FILING**

I hereby certify that the original version of the foregoing, PATENT OWNER CAP CO., LTD.'S NOTICE OF APPEAL, was filed via Express Mail through the U.S. Post Office on this 4th day of May, 2017, according to 37 C.F.R. § 104.2(a), with the General Counsel 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  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **CERTIFICATE OF FILING**

I hereby certify that three (3) true and correct copies of the foregoing, PATENT OWNER CAP CO., LTD.'S NOTICE OF APPEAL, along with the filing fees, were filed via Express Mail through the U.S. Post Office on this 4th day of May, 2017, 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.  
Washington, DC 20439

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing, PATENT OWNER CAP CO., LTD.'S NOTICE OF APPEAL, was served on the Petitioners' counsel of record via email, as agreed to by counsel, at the following email addresses:

James F. Valentine: Intel-CAP-IPR@perkinscoie.com

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Dated: May 4, 2017

By: /John Ferrell/  
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