

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARISTA NETWORKS, INC.,  
Petitioner,

v.

CISCO SYSTEMS, INC.,  
Patent Owner.

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Case IPR2016-00306  
Patent 7,023,853

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**PETITIONER'S NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. § 142, Petitioner respectfully gives Notice that it hereby appeals the Patent Trial and Appeal Board's ("Board") Final Written Decision, dated May 25, 2017, that claim 63 of U.S. Patent No. 7,023,853 has not been shown to be unpatentable to the United States Court of Appeals for the Federal Circuit, and from all other underlying orders, decisions, rulings and opinions that are adverse to Petitioner, including, without limitation, those within the Decision on Institution of *Inter Partes* Review, entered June 6, 2016 (Paper 8).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), issues on Petitioner's appeal may include the Board's introduction of a new argument during the hearing; the Board's construction, interpretation, and application of the terms "the selecting step," "the determining step," and "parallel"; the Board's determination that claim 63 has not been shown to be unpatentable under 35 U.S.C. § 102; any findings supporting that determination; the Board's failure to consider evidence of record properly; the Board's legal errors in undertaking the invalidity analysis; the Board's findings that conflict with the evidence of record and are not supported by substantial evidence; and any other issues decided adversely to Petitioner in any orders, decisions, rulings and opinions.

Simultaneous with this submission, a copy of this Notice of appeal is being filed with the Board. In addition, a copy of this Notice of Appeal, along with the required docketing fees, are being filed electronically with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Date: July 26, 2017

/s/Lauren A. Degnan

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## CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on July 26, 2017, a complete and entire copy of this PETITIONER'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT was provided via email to the Patent Owner by serving the correspondence email addresses of record as follows:

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I also hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's PTAB E2E Filing System, the original version of the foregoing PETITIONER'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT was filed by hand on July 26, 2017 with the Director of the United States Patent and Trademark Office, at the following address:

