

Filed on behalf of DSS TECHNOLOGY MANAGEMENT, INC.

By: James C. Gumina (gumina@mbhb.com)  
Michael D. Clifford (clifford@mbhb.com)  
Michael D. Anderson (andersonm@mbhb.com)  
McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Suite 3200  
Chicago, Illinois 60606  
Tel.: (312) 913-0001  
Fax: (312) 913-0002

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

INTEL CORPORATION  
and  
QUALCOMM INCORPORATED, GLOBALFOUNDRIES INC.,  
GLOBALFOUNDRIES U.S. INC., GLOBALFOUNDRIES DRESDEN  
MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE  
TWO LLC & CO. KG,  
Petitioner,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,  
Patent Owner.

---

Case IPR2016-00288<sup>1</sup>  
Patent 6,784,552

---

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

---

<sup>1</sup> Case IPR2016-01314 has been joined with this proceeding.

## **I. Notice of Appeal**

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Circuit Rule 15(a)(1), that Patent owner DSS Technology Management, Inc., a wholly-owned subsidiary of Document Security Systems, Inc., (“Patent Owner” or “DSS”) appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision entered on June 1, 2017 (Paper 25) in the above-captioned *inter partes* review of U.S. Patent No. 6,784,552 (“the ’552 Patent”). This notice is timely filed within 63 days of the Board’s Final Written Decision. 37 C.F.R. § 90.3.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal include the following: (1) whether the Board erred in finding that claims 8-12 of ‘552 Patent are not patentable under 35 U.S.C. § 102(b) over U.S. Patent No. 4,686,000 (“Heath”), due to the Board’s findings in its Final Written Decision being unsupported by substantial evidence or resting on legal error; (2) whether the Board’s decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (3) whether the Board exceeded its power under the U.S. Constitution by finding that claims 8-12 were not patentable, thereby violating the U.S. Constitution by extinguishing private

property rights through a non-Article III forum without a jury; and (4) all other issues decided adversely to Patent Owner, including any orders, decisions, rulings and/or opinions.

Simultaneously with this submission, Patent Owner is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office and filing one copy of this Notice of Appeal, along with the required docketing fees, with the Clerk of the U.S. Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing and Certificate of Service.

Respectfully submitted,

Date: July 28, 2017

/James C. Gumina/  
James C. Gumina (Reg. No. 32,898)  
Michael D. Clifford (Reg. No. 60,550)  
Michael D. Anderson (Reg. No. 66,839)  
McDonnell Boehnen Hulbert & Berghoff  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606

**CERTIFICATE OF SERVICE AND FILING**

The undersigned hereby certifies that “PATENT OWNER’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT” was served on opposing counsel by filing this document through the Patent Trial and Appeal Board via PTAB E2E, as well as by delivering copies of the same Priority Mail Express and electronic mail, on July 28, 2017, upon the following:

Grant K. Rowan  
E-mail: grant.rowan@wilmerhale.com  
Wilmer Cutler Pickering Hale and Door LLP  
1875 Pennsylvania Avenue, NW  
Washington, DC 20006

Yung-Hoon Ha  
E-mail: yung-hoon.ha@wilmerhale.com  
Wilmer Cutler Pickering Hale and Door LLP  
7 World Trade Center  
250 Greenwich Street  
New York, New York 10007

The undersigned hereby certifies that “PATENT OWNER’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT” was also filed with the Director of the United States Patent and Trademark Office via Priority Mail Express at the address below, was electronically filed with the Patent Trial and Appeal Board via PTAB E2E, and was filed with the Clerk of the United States Court of Appeals for the Federal

Circuit electronically via CM/ECF on July 28, 2017.

Via Priority Mail Express:

Director of the United States Patent and Trademark Office  
Office of the General Counsel  
Patent and Trademark Office  
Madison East  
10B20 600 Dulany Street  
Alexandria, VA 22314

Respectfully submitted,

Date: July 28, 2017

/James C. Gumina/  
James C. Gumina  
Lead Counsel for Patent Owner  
Registration No. 32,898  
McDonnell Boehnen Hulbert & Berghoff  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606  
(312) 913-0001