

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXIS COMMUNICATIONS AB, CANON INC., AND CANON U.S.A., INC.,
Petitioners,

v.

AVIGILON FORTRESS CORPORATION,
Patent Owner.

Case IPR2018-00138
U.S. Patent No. 8,564,661

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. § 141 and 37 C.F.R. § 90.2, Patent Owner Avigilon Fortress Corporation (“Avigilon” or “Patent Owner”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered May 30, 2019 (Paper 25) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent 8,564,661 (“the ’661 patent”) at issue in *Inter Partes* Review IPR2018-00138.

In accordance with and for the purpose of providing the Director with the information requested pursuant to 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include, but are not limited to the following:

- the Patent Trial and Appeal Board’s construction of the challenged claims;
- the Board’s determination that claims 1-32 of the ’661 patent are unpatentable;
- the Board’s determination that Petitioners met their burden of proving that claims 1-32 of the ’661 patent are unpatentable;
- the Board’s reliance, in its institution and final written decisions, on new and inconsistent theories, grounds, arguments, factual assertions, and claim constructions, and the resulting lack of due process and violations of the Administrative Procedure Act;

- the Board's acting outside of its statutory limit and jurisdiction;
- the Board's failure to adequately explain and support its decision; and
- any findings or determinations supporting or relating to the foregoing issues, as well as all other issues decided adversely to Patent Owner in any order, decisions, rulings, or opinions.

Simultaneous with this filing and in accordance with 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a)(1), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice 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 via CM/ECF.

Dated: July 30, 2019

/Michael T. Renaud/

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CERTIFICATE OF SERVICE

I certify that on July 30, 2019, copies of Patent Owner's Notice of Appeal were filed with the Patent Trial and Appeal Board and served and/or filed as set forth below:

Service and Filing by Hand Delivery:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, Virginia

Electronic Filing by CM/ECF and Hand Delivery:

Honorable Peter R. Marksteiner, Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Suite 401
Washington, DC 20439

Service by Electronic Mail pursuant to 37 C.F.R. § 42.6:

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Dated: July 30, 2019

/Michael T. Renaud/

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