

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

Case IPR2018-01386
Patent 9,565,213

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Centripetal Networks, Inc., hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered January 23, 2020, (Paper 31) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent 9,565,213 (“the ’213 patent”) at issue in *inter partes* review IPR2018-01386.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to, the Board’s reliance on arguments that exceeded the proper scope of Petitioner’s Reply; the Board’s interpretation and construction of the claims, including the Board’s construction of the terms “dynamic security policy,” “monitoring device,” and “packet-by-packet”; the Board’s determination that Petitioner showed by a preponderance of the evidence that claims 1–9 of the ’213 Patent are unpatentable under 35 U.S.C. § 103 over Narayanaswamy, U.S. Patent Appl. Publ. No. US2009/0328219 A1, Kapoor U.S. Patent Appl. Publ. No. US2008/0229415, Johnson U.S. Patent Appl. Publ. No. US2004/0123220, and Kjendal U.S. Patent No. 9,172,627 and that claims 10–16 of the ’213 Patent are unpatentable over Narayanaswamy, Kapoor, Johnson, Kjendal, and “An Architecture for Differentiated Services,” Network Working Group Request for Comments 2475, The Internet Society, Dec. 1998 (“Diffserv”); the Board’s

interpretation of Narayanaswamy, Kapoor, Johnson, Kjendal, and Diffserv;
motivation to combine the asserted references; any finding or determination
supporting or related to those issues; the Board's determination that the evidence
of secondary considerations as well as other issues decided adversely to Centripetal
Networks, Inc. in any orders, decisions, rulings, and opinions.

Copies of Patent Owner's Notice of Appeal are being filed simultaneously
with the Director of the United States Patent and Trademark Office, the Patent
Trial and Appeal Board, and the United States Court of Appeals for the Federal
Circuit.

Respectfully submitted,

Dated: March 24, 2020

/James Hannah/

James Hannah (Reg. No. 56,369)
jhannah@kramerlevin.com
Kramer Levin Naftalis & Frankel LLP
990 Marsh Road
Menlo Park, CA 94025
Tel: 650.752.1700 Fax: 650.752.1800

Jeffrey Price (Reg. No. 69,141)
jprice@kramerlevin.com
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, NY 10036
Tel: 212.715.7502 Fax: 212.715.8302

(Case No. IPR2018-01386)

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Petitioner as detailed below.

Date of service March 24, 2020

Manner of service Electronic Mail (dmcdonald@merchantgould.com;
jblake@merchantgould.com; kott@merchantgould.com;
cdavis@merchantgould.com)

Documents served PATENT OWNER'S NOTICE OF APPEAL

Persons Served Daniel W. McDonald
Jeffrey D. Blake
Kathleen E. Ott
Christopher C. Davis

In addition, the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on March 24, 2020, with the United States Patent and Trademark Office at the following address:

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned hereby certifies that the foregoing Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on March 24, 2020.

Pursuant to Federal Circuit Rule 15, one paper copy of the foregoing was simultaneously sent to the Clerk of the United States Court of Appeals for the Federal Circuit.

/James Hannah/
James Hannah (Reg. No. 56,369)
Kramer Levin Naftalis & Frankel LLP
990 Marsh Road,
Menlo Park, CA 94025
(650) 752-1700