

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

Case IPR2018-01443
Patent 9,137,205

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 February 11, 2020, (Paper 25) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent 9,137,205 (“the ’205 patent”) at issue in *inter partes* review IPR2018-01443.

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 in the final written decision; the Board’s determination that Petitioner showed by a preponderance of the evidence that claims 1, 4, 12, 14-17, 20, 28, 30-33, 36, 44, and 46-48 of the ’205 Patent are unpatentable under 35 U.S.C. § 103 in view of Jungck (U.S. Patent Appl. Publ. No. 2009/0262741 A1) and Bhatia (U.S. Patent Appl. Publ. No. 2007/0118894 A1), that claims 13, 29, and 45 of the ’205 Patent are unpatentable under 35 U.S.C. § 103 in view of Jungck, Bhatia, and RFC 4253 (T. Ylonen, The Secure Shell (SSH) Transport Layer Protocol, Network Working Group, Request for Comments: 4253 (C. Lonvick ed., January 2006)), and that claims 91-96 of the ’205 Patent are unpatentable under 35 U.S.C. § 103 in view of Jungck; the Board’s

interpretation of Jungck, Bhatia, and RFC 4253; 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: April 14, 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. IPR2018-01443) *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 April 14, 2020

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

Documents served PATENT OWNER'S NOTICE OF APPEAL

Persons Served Daniel W. McDonald
Jeffrey D. Blake
Kathleen E. Ott
Michael S. Wagner

In addition, the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on April 14, 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 April 14, 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