

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.

Petitioner

v.

CHANBOND, LLC

Patent Owner

Case IPR2016-01744

Patent 7,941,822

PATENT OWNER CHANBOND, LLC'S NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner ChanBond, LLC (“ChanBond”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“PTAB”) entered on February 23, 2018 (Paper 28) in Case No. IPR2016-01744, and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), ChanBond anticipates that the issues on appeal may include, but are not limited to:

- I. The PTAB’s claim construction; including without limitation the PTAB’s determination that the broadest reasonable interpretation of the term “channel” in the claims of U.S. Patent No. 7,941,822 (“the ’822 Patent”) is “a path for transmitting electric signals.”
- II. The PTAB’s determination that Petitioner Cisco Systems, Inc. (“Cisco”) has shown, by a preponderance of the evidence, that claims 1, 2, 5, 6, 19, 20, 23, and 29 of the ’822 Patent are unpatentable under 35 U.S.C. § 103(a) as obvious over the combination of U.S. Patent No. 5,859,840 (“Tiedemann”), U.S. Patent No. 5,103,459 (“Gilhousen”), and U.S. Patent No. 6,081,536 (“Gorsuch”).
- III. The PTAB’s failure to grant ChanBond due process rights, such as the PTAB’s reliance on alleged grounds of invalidity for which trial was not instituted and/or not originally presented in Cisco’s petition for *inter partes*

review; including without limitation the PTAB's reliance on the Qualcomm Data Connectivity Kit User Guide, which was not included as cited prior art in Cisco's alleged ground of unpatentability.

- IV. The PTAB's retroactive application of *inter partes* review to the '822 Patent, which issued prior to the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284 (2011) (effective September 16, 2012).
- V. Any findings or determinations relating to the foregoing issues, as well as all other issues decided adversely to ChanBond in any orders, decisions, rulings, or opinions.

Pursuant to 37 C.F.R. § 90.2(a), this Notice of Appeal is being filed with the Director of the United States Patent and Trademark Office as provided in 37 C.F.R. § 104.2; with the Patent Trial and Appeal Board as provided in 37 C.F.R. § 42.6(b); and with the Clerk's Office for the United States Court of Appeals for the Federal Circuit as provided in Fed. Cir. R. 15(a)(1) and 25(b)(1), along with payment of the required fee.

Case IPR2016-01744
Patent 7,941,822

Respectfully submitted,

Date: April 25, 2018

by: /Robert Whitman/
Robert Whitman
Reg. No. 36,966
MISHCON DE REYA NEW YORK LLP
156 Fifth Avenue, Suite 904
New York, New York 10010
e-mail: robert.whitman@mishcon.com

CERTIFICATE OF FILING AND SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on April 25, 2018, by filing this document through PTAB E2E as well as delivering a copy via electronic mail, as previously agreed to by the parties, directed to the attorneys of record for Petitioner at the following address:

Wayne O. Stacy
Kathryn A. Juffa
Baker Botts L.L.P.
2001 Ross Avenue, #800
Dallas, TX 75201
wayne.stacy@bakerbotts.com
katie.juffa@bakerbotts.com
DLCiscoChanbondAIA@bakerbotts.com

Sarah J. Guske
Baker Botts L.L.P.
101 California Street, #3070
San Francisco, CA 94111
sarah.guske@bakerbotts.com

The undersigned hereby also certifies that in addition to being filed and served electronically through the Board's E2E System, the foregoing document was filed on April 25, 2018 with the Director of the United States Patent and Trademark Office by way of hand delivery to:

Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, Virginia 22314.

Case IPR2016-01744
Patent 7,941,822

The undersigned hereby also certifies that the foregoing document was filed on April 25, 2018 with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the court's Case Management and Electronic Case Files (CM/ECF) system along with the requisite fee, and by Express Mail to the following address:

Clerk of the Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439.

Date: April 25, 2018

by: /Robert Whitman/
Robert Whitman
Reg. No. 36,966
MISHCON DE REYA NEW YORK LLP
156 Fifth Avenue, Suite 904
New York, New York 10010
e-mail: robert.whitman@mishcon.com