

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAP AMERICA, INC. ET AL.
Petitioner,

v.

VERSATA DEVELOPMENT GROUP, INC.
Patent Owner.

Case CBM2012-00001
Patent 6,553,350

Before SALLY C. MEDLEY, MICHAEL P. TIERNEY, and RAMA G. ELLURU,
Administrative Patent Judges.

PATENT OWNER VERSATA'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Versata Development Group, Inc. (“Versata”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Decision on Request for Rehearing entered on September 13, 2013 (Paper 81), from the Final Written Decision entered on June 11, 2013 (Paper 70), and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision on Institution of Covered Business Method Review entered on January 9, 2013 (Paper 36).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner Versata further indicates that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s application and use of the broadest reasonable interpretation standard, claim construction, determination of unpatentability of claims 17 and 26-29 of Versata’s U.S. Patent No. 6,553,350 (“’350 patent”) under 35 U.S.C. § 101, determination that the ’350 patent is a covered business method patent and is not a technological invention, determination that SAP had standing to institute this proceeding, determination that the post-grant review initiated by SAP was not

barred by claim and issue preclusion, determination that 35 U.S.C. § 101 is a permissible basis for review, and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner Versata in any orders, decisions, rulings and opinions.

Patent Owner Versata also hereby appeals the United States Patent and Trademark Office exceeding its statutory authority through rulemaking, including without limitation by adopting rule 37 C.F.R. § 42.301(a) defining “covered business method” and rule 37 C.F.R. § 42.300(b) alleging unexpired claims should be given their “broadest reasonable construction.”

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, three copies of this Notice of Appeal, 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.

Respectfully submitted,

Dated: November 13, 2013

By:



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*Counsel for Patent Owner
Versata Development Group, Inc.*

CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing, PATENT OWNER VERSATA'S NOTICE OF APPEAL, was filed by hand on this 13th day of November, 2013, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

CERTIFICATE OF FILING

I hereby certify that three (3) true and correct copies of the foregoing, PATENT OWNER VERSATA'S NOTICE OF APPEAL, were filed by hand on this 13th day of November, 2013, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, DC 20005

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing, PATENT OWNER VERSATA'S NOTICE OF APPEAL, was served, in accordance with the parties' electronic service agreement, by electronic mail on this 13th day of November, 2013, on the following counsel for the Petitioner:

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