

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**LIBERTY MUTUAL INSURANCE CO.**

Petitioner

v.

**PROGRESSIVE CASUALTY INSURANCE CO.**

Patent Owner

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Case CBM2012-00003

Patent 8,140,358

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Before the Honorable JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER, *Administrative Patent Judges*.

**PETITIONER LIBERTY MUTUAL INSURANCE CO.'S NOTICE OF  
APPEAL**

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner Liberty Mutual Insurance Co. (“Liberty”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on February 11, 2014 (Paper 78), the Decision on Request for Rehearing entered on April 1, 2014 (Paper 85), and from all underlying orders, decisions, rulings, and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Liberty further indicates that the issues on appeal include, but are not limited to, the following: the Patent Trial and Appeal Board (“PTAB”)’s determination that Liberty did not prove by a preponderance of the evidence that claims 1, 19, and 20 of U.S. Patent No. 8,140,358 (“the ’358 Patent”) are unpatentable; the PTAB’s determination that claims 1, 19, and 20 of the ’358 Patent are entitled to an effective filing date of May 15, 2000; and the PTAB’s denial of Liberty’s Motion to Exclude Evidence (Paper 55).

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the PTAB through the Patent Review Processing System (“PRPS”). In addition, three copies of the Notice of Appeal, along with the required docketing fee, are being filed with the Clerk’s office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

**ROPES & GRAY LLP**

June 3, 2014

By /J. Steven Baughman/

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### **CERTIFICATE OF FILING**

It is certified that, in addition to being filed electronically through the PRPS System, the original version of **PETITIONER LIBERTY MUTUAL INSURANCE CO.'S NOTICE OF APPEAL** has been filed by hand on June 3, 2014, 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**

It is certified that three (3) true and correct copies of of **PETITIONER LIBERTY MUTUAL INSURANCE CO.'S NOTICE OF APPEAL** have been filed by hand on June 3, 2014, 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**

It is certified that a copy of **PETITIONER LIBERTY MUTUAL INSURANCE CO.'S NOTICE OF APPEAL** has been served in its entirety on the Patent Owner as provided in 37 CFR § 42.6.

The copy has been served on June 3, 2014 by causing the aforementioned document to be electronically mailed to:

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pursuant to the Petitioner and Patent Owner's agreement.

\_\_\_\_\_/Jordan M. Rossen/  
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**ROPES & GRAY LLP**