

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVAYA INC., DELL INC., SONY CORPORATION OF AMERICA, and
HEWLETT-PACKARD CO.
Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.
Patent Owner

CASE IPR2013-00071¹
U.S. Patent No. 6,218,930

Before the honorable Joni Y. Chang, Justin T. Arbes, and Glenn J. Perry

PETITIONER AVAYA INC.'S NOTICE OF APPEAL

¹ Cases IPR2013-00385 and IPR2013-00495 have been joined with this proceeding.

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

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner Avaya, Inc. (“Avaya”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on May 22, 2014 (Paper No. 103), and from all underlying findings, orders, decisions, rulings and opinions, including, without limitation, those within the Decision on Institution of *Inter Partes* Review entered on May 24, 2014 (Paper No. 18) and modified on June 11, 2013 (Paper No. 21). Each of the Petitioners Avaya, Dell, Inc., Hewlett-Packard Co., and Sony Corporation of America are concurrently filing notices of appeal in this matter.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Avaya states that the issues on appeal include, but are not limited to: the decision of the Patent Trial and Appeal Board denying Petitioners’ petition to cancel claims 6 and 9 of U.S. Patent No. 6,218,930 (“the ’930 patent”); the decision by the Patent Trial and Appeal Board denying certain grounds advanced by Petitioners in the petition to institute proceedings to cancel claims 6 and 9 of the ’930 patent; the claim constructions of the Patent Trial and Appeal Board; the dismissal by the Patent Trial and Appeal Board of Petitioners’ motion to exclude evidence; and any finding or determination

supporting or relating to those issues, as well as all other issues decided adversely to Petitioners in any orders, decisions, rulings and opinions.

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,

July 24, 2014

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Counsel for Petitioner Avaya, Inc.

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on this 24th day of July, 2014, in addition to being filed and served electronically through the Board's PRPS System, a true and correct copy of the foregoing "PETITIONER AVAYA INC.'S NOTICE OF APPEAL," was filed by hand 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, 10B20
Madison Building East
600 Dulany Street
Alexandria, Virginia

I also hereby certify that on this 24th day of July 2014, three true and correct copies of the foregoing "PETITIONER AVAYA INC.'S NOTICE OF APPEAL," and the filing fee, were filed 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

I also hereby certify that on this 24th day of July 2014, a true and correct copy of the foregoing "PETITIONER AVAYA INC.'S NOTICE OF APPEAL," was served, by electronic mail, upon the following:

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