

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner

v.

APPLICATIONS IN INTERNET TIME LLC,
Patent Owner

Case IPR2015-01751
Case IPR2015-01752
US Patent No. 7,356,482
Title: INTEGRATED CHANGE MANAGEMENT UNIT

PATENT OWNER'S NOTICE OF APPEAL

To the Director of the Patent and Trademark Office:

Patent Owner, Applications in Internet Time LLC, hereby notices its appeals from the Patent Trial and Appeal Board Final Written Decision dated December 28, 2016 (Paper 82 in 01751 case, Paper 80 in 01752 case), and all adverse rulings or orders leading up to the Final Written Decision.

In addition to other issues that may be raised on appeal, Patent Owner asks pursuant to 37 C.F.R. § 90.2(a)(3)(ii), that the appeal may raise one or more of the following legal issues:

1. Whether the Board's factual findings lacked substantial evidence because the Board did not explain why it relied upon one expert's opinion of claim construction and not the opinions of four other experts.
2. Whether the Board erred in its construction of claims 1, 7, 8, 10-13, 18-22, 27-33 and 38-40 of the subject '482 patent including "change management layer for automatically detecting changes that affect an application," recited in claim 1, and "automatically detecting changes that affect a particular application," recited in claim 21.
3. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claims 1, 7, 8, 10-13, 18-21, 27-33 and 38-40 are unpatentable under 35 U.S.C. § 102 as anticipated by Patent No. 6,249,291 ("Popp").
4. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claims 13-17 and 33-37 are unpatentable under 35 U.S.C. § 103(a) as obvious from Popp in view of Patent No. 5,710,900 ("Anand").

5. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claims 1, 8, 10, 19-21, 28, 30, 39 and 40 are unpatentable under 35 U.S.C. § 102 as anticipated by Srdjan Kovacevic, *Flexible, Dynamic User Interface for Web-Delivered Training*, in AVI '96 Proceedings of the Workshop on Advanced Visual Interfaces 108-18 (1996) (“Kovacevic”)
6. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claims 1, 7, 8, 10-12, 19-21, 27-32, 39 and 40 are unpatentable under 35 U.S.C. § 103(a) as obvious in view of Patent No. 5,806,071 (“Balderrama”) and *Java Complete!*, 42 Datamation Magazine 5, 28-49 (Mar. 1, 1996) (“Java Complete”).
7. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claim 22 is unpatentable under 35 U.S.C. § 103(a) as obvious from Popp.
8. Whether the Board erred in determining that Petitioner demonstrated by a preponderance of the evidence that claims 3-6 and 23-26 are unpatentable under 35 U.S.C. § 103(a) as obvious from Popp in view of E.F. Codd, *Does Your DBMS Run by the Rules?*, XIX ComputerWorld 42, 49-60 (Oct. 21, 1985) (“Codd”).
9. Whether the Board exceeded its statutory and regulatory authority in making its factual findings supporting the ultimate conclusions of anticipation and obviousness.
10. Whether the Board lacked authority to proceed in rendering the Final Written Decision because it misconstrued the law of privity and real party in interest.
11. Whether the Board erred in holding that Salesforce.com, Inc. was not an unnamed real party in interest.

12. Whether the Inter Partes Review proceedings in general, and this case in particular, are unconstitutional and in violation of principles of administrative agency authority, including to the extent the Board is empowered (including under 35 U.S.C. §§ 311 and 316) to invalidate, cancel, and/or render unpatentable an issued patent without affording any deference or presumption of validity to the issued claims.
13. Any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings and opinions.

Patent Owner has electronically filed this notice with the Patent Trial and Appeal Board, pursuant to 37 C.F.R. § 90.2(a)(1), 37 C.F.R. § 42.6(b)(1) and Federal Circuit Rule 15(a)(1). Simultaneously herewith, Patent Owner is providing the Federal Circuit an electronic copy of the present Notice of Appeal (pursuant to 37 C.F.R. § 90.2(a)(2)(i) and 15(a)(1)) together with a \$500 fee (pursuant to 37 C.F.R. § 90.2(a)(2)(ii) and Federal Circuit Rule 52(a)(3)(A)).

Date: February 27, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE AND FILING

I hereby certify that on the date set forth below, in addition to being filed and served electronically through the Board's E2E System, a true and correct copy of the foregoing "PATENT OWNER'S NOTICE OF APPEAL," was served on the Director of the United States Patent and Trademark Office, via Express overnight delivery at the following address:

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I also hereby certify that on the date set forth below, a true and correct copy of the foregoing "PATENT OWNER'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, via CM/ECF.

I also hereby certify that on the date set forth below, a true and correct copy of the foregoing "PATENT OWNER'S NOTICE OF APPEAL," was served, by electronic mail, upon the following:

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Dated: February 27, 2017

By: /Anneliese Lomonaco/
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