

Filed on behalf of DSS TECHNOLOGY MANAGEMENT, INC.

By: James C. Gumina (gumina@mbhb.com)
Michael D. Clifford (clifford@mbhb.com)
Michael D. Anderson (andersonm@mbhb.com)
McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Suite 3200
Chicago, Illinois 60606
Tel.: (312) 913-0001
Fax: (312) 913-0002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION
and
QUALCOMM INCORPORATED, GLOBALFOUNDRIES INC.,
GLOBALFOUNDRIES U.S. INC., GLOBALFOUNDRIES DRESDEN
MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE
TWO LLC & CO. KG,
Petitioner,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,
Patent Owner.

Case IPR2016-00287¹
Patent 6,784,552

**PATENT OWNER'S NOTICE OF APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

¹ Case IPR2016-01311 has been joined with this proceeding.

I. Notice of Appeal

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Circuit Rule 15(a)(1), that Patent owner DSS Technology Management, Inc., a wholly-owned subsidiary of Document Security Systems, Inc., (“Patent Owner” or “DSS”) appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision entered on June 1, 2017 (Paper 25) in the above-captioned *inter partes* review of U.S. Patent No. 6,784,552 (“the ’552 Patent”). This notice is timely filed within 63 days of the Board’s Final Written Decision. 37 C.F.R. § 90.3.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal include the following: (1) whether the Board erred in finding that claims 1, 2, and 4-7 of ‘552 Patent are not patentable under 35 U.S.C. § 102(b) over U.S. Patent No. 4,686,000 (“Heath”), due to the Board’s findings in its Final Written Decision being unsupported by substantial evidence or resting on legal error; (2) whether the Board erred in finding that claim 3 of ‘552 Patent are not patentable under 35 U.S.C. § 103(a) over Heath, European Patent Application Publication No. 0592078 A1 (“Hawley”) and U.S. Patent No. 5,541,427 (“Chappell”), due to the Board’s findings in its Final Written Decision being

unsupported by substantial evidence or resting on legal error; (3) whether the Board's decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (4) whether the Board exceeded its power under the U.S. Constitution by finding that claims 1-7 were not patentable, thereby violating the U.S. Constitution by extinguishing private property rights through a non-Article III forum without a jury; and (5) all other issues decided adversely to Patent Owner, including any orders, decisions, rulings and/or opinions, including.

Simultaneously with this submission, Patent Owner is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office and filing one copy of this Notice of Appeal, along with the required docketing fees, with the Clerk of the U.S. Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing and Certificate of Service.

Respectfully submitted,

Date: July 28, 2017

/James C. Gumina/
James C. Gumina (Reg. No. 32,898)
Michael D. Clifford (Reg. No. 60,550)
Michael D. Anderson (Reg. No. 66,839)
McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive, Suite 3200
Chicago, Illinois 60606

CERTIFICATE OF SERVICE AND FILING

The undersigned hereby certifies that “PATENT OWNER’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT” was served on opposing counsel by filing this document through the Patent Trial and Appeal Board via PTAB E2E, as well as by delivering copies of the same via Priority Mail Express and electronic mail, on July 28, 2017, upon the following:

Grant K. Rowan
E-mail: grant.rowan@wilmerhale.com
Wilmer Cutler Pickering Hale and Door LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006

Yung-Hoon Ha
E-mail: yung-hoon.ha@wilmerhale.com
Wilmer Cutler Pickering Hale and Door LLP
7 World Trade Center
250 Greenwich Street
New York, New York 10007

The undersigned hereby certifies that “PATENT OWNER’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT” was also filed with the Director of the United States Patent and Trademark Office via Priority Mail Express at the address below, was electronically filed with the Patent Trial and Appeal Board via PTAB E2E, and was filed with the Clerk of the United States Court of Appeals for the Federal

Circuit electronically via CM/ECF on July 28, 2017.

Via Priority Mail Express:

Director of the United States Patent and Trademark Office
Office of the General Counsel
Patent and Trademark Office
Madison East
10B20 600 Dulany Street
Alexandria, VA 22314

Respectfully submitted,

Date: July 28, 2017

/James C. Gumina/
James C. Gumina
Lead Counsel for Patent Owner
Registration No. 32,898
McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive, Suite 3200
Chicago, Illinois 60606
(312) 913-0001