

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Talari Networks, Inc.

Petitioner

v.

FatPipe Private Networks Limited

Patent Owner

CASE IPR2016-00976

Patent No. 6,775,235 B2

PETITIONER'S NOTICE OF APPEAL

Mail Stop Patent Board
Patent Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner Talari Networks, Inc. (“Petitioner”) appeals to the United States Court of Appeals for the Federal Circuit from the November 1, 2017, Final Written Decision (Paper No. 32) in IPR2016-00976, and from all related or underlying orders, decisions, rulings and opinions.

On December 1, 2017, Petitioner filed a timely Request For Rehearing under 37 C.F.R. § 42.71(d) (Paper No. 34). On March 15, 2019, the Board entered a decision denying Petitioner’s Request For Rehearing (Paper No. 36).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner states that anticipated issues on appeal include, but are not limited to:

(1) Whether the Board erred when it determined that claim 19 of U.S. Patent No. 6,775,235 B2 was not shown by a preponderance of the evidence to be unpatentable under 35 U.S.C. § 102 by U.S. Patent No. 6,628,617 B1 (“Karol,” Ex. 1006);

(2) Whether the Board erred when it determined that claim 19 of U.S. Patent No. 6,775,235 B2 was not shown by a preponderance of the evidence to be unpatentable under 35 U.S.C. § 103 by Karol;

(3) Whether the Board erred when it determined that claim 19 of U.S. Patent No. 6,775,235 B2 was not shown by a preponderance of the evidence to be unpatentable under 35 U.S.C. § 103 by the combination of Karol and William

Stallings, *Data and Computer Communications*, Prentice-Hall, 5th Ed., 1997, ISBN-81-203-1240-6 (“Stallings,” Ex. 1011); and

(4) Whether the Board erred when it determined that a “session” is not a “message” within the meaning of claim 19 of U.S. Patent No. 6,775,235 B2.

A copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, this Notice of Appeal and the required docketing fees are being filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

Dated: May 17, 2019

Respectfully Submitted,

/James M. Heintz/
James M. Heintz
Reg. No. 41,828
DLA Piper LLP (US)
11911 Freedom Drive, Suite 300
Reston, VA 20190
(703) 773-4148

Gianni Minutoli
Reg. No. 41,198
DLA Piper LLP (US)
11911 Freedom Drive, Suite 300
Reston, VA 20190
gianni.minutoli@dlapiper.com
Phone: 703-773-4045
Fax: 703-773-5019

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing instrument was served on Patent Owner, FatPipe Private Networks Limited, by emailing a copy to counsel at the email addresses listed below:

Robert Mattson
cpdocketmattson@oblon.com

Sameer Gokhale
cpdocketgokhale@oblon.com

CERTIFICATE OF SERVICE

I certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System, the original version of PETITIONER'S NOTICE OF APPEAL was filed by Priority Mail Express® pursuant to MPEP § 1216.01, 37 CFR § 1.10, and 37 CFR § 104.2 on this 17th day of May 2019, with the Director of the United States Patent and Trademark Office at the following address:

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

CERTIFICATE OF SERVICE

I certify that PETITIONER'S NOTICE OF APPEAL was filed electronically on this 17th day of May 2019, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, via the CM/ECF filing system:

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

Dated: May 17, 2019

/James M. Heintz/
James M. Heintz
Reg. No. 41,828
jim.heintz@dlapiper.com
Counsel for Talari Networks, Inc.