

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

CISCO SYSTEMS, INC.,  
Petitioner,

v.

FINJAN, INC.,  
Patent Owner.

---

Case IPR2018-00391  
Patent 7,647,633

---

**PATENT OWNER'S NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, Finjan, Inc., hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered May 23, 2019, (Paper 33) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent 7,647,633 (“the ’633 patent”) at issue in *inter partes* review IPR2018-00391.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to, the Board’s reliance on arguments that exceeded the proper scope of Petitioner’s Reply; the Board’s construction of the terms “determining whether,” “information re-communicator,” “information monitor,” and “downloadable-information”; the Board’s determination that Petitioner showed by a preponderance of the evidence that claims 1–4, 8, 11, and 13 of the ’633 Patent are unpatentable under 35 U.S.C. § 103 over Hanson, PCT Published Application WO 98/31124 (“Hanson”) in view of Hyppönen U.S. Patent No. 6,577,920 (“Hyppönen”) and claim 12 of the ’633 Patent is unpatentable under 35 U.S.C. § 103 over Hanson, Hyppönen, and PCT Published Application WO 98/21683 (“Touboul”); the Board’s interpretation of Hanson, Hyppönen and Touboul; any finding or determination supporting or related to those issues; as well as other issues decided adversely to Finjan in any orders, decisions, rulings, and opinions.

Patent Owner's Notice of Appeal  
IPR2018-00391 (U.S. Patent No. 7,647,633)

Copies of Patent Owner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: June 27, 2019

/James Hannah/

James Hannah (Reg. No. 56,369)  
[jhannah@kramerlevin.com](mailto:jhannah@kramerlevin.com)  
Kramer Levin Naftalis & Frankel LLP  
990 Marsh Road  
Menlo Park, CA 94025  
Tel: 650.752.1700 Fax: 650.752.1800

Jeffrey Price (Reg. No. 69,141)  
[jprice@kramerlevin.com](mailto:jprice@kramerlevin.com)  
Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036  
Tel: 212.715.7502 Fax: 212.715.8302

(Case No. IPR2018-00391)

*Attorneys for Patent Owner*

**CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Petitioner as detailed below.

*Date of service* June 27, 2019

*Manner of service* Electronic Mail (PDMcPherson@duanemorris.com;  
PCMuldoon@duanemorris.com;  
japowers@duanemorris.com)

*Documents served* PATENT OWNER'S NOTICE OF APPEAL

*Persons Served* Patrick D. McPherson  
Patrick Muldoon  
Joseph A. Powers

In addition, the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on June 27, 2019, with 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, VA 22313-1450

The undersigned hereby certifies that the foregoing Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on June 27, 2019.

Patent Owner's Notice of Appeal  
IPR2018-00391 (U.S. Patent No. 7,647,633)

Pursuant to Federal Circuit Rule 15, one paper copy of the foregoing was simultaneously sent to the Clerk of the United States Court of Appeals for the Federal Circuit.

/James Hannah/  
James Hannah (Reg. No. 56,369)  
Kramer Levin Naftalis & Frankel LLP  
990 Marsh Road,  
Menlo Park, CA 94025  
(650) 752-1700