

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NOTICE OF DOCKETING

19-2074 - Finjan, Inc. v. Cisco Systems, Inc.

Date of docketing: July 1, 2019

Appeal from: Patent and Trademark Office - Patent Trial and Appeal Board in Inter Partes Review No. IPR2018-00391

Appellant: Finjan, Inc.

Critical dates include:

- Date of docketing. See Fed. Cir. R. 12 and 15.
- Certified list. See Fed. Cir. R. 17.
- Entry of appearance. (*Due within 14 days of the date of docketing.*) See Fed. Cir. R. 47.3.
- Certificate of interest. (*Due within 14 days of the date of docketing.*) See Fed. Cir. R. 47.4.
- Docketing Statement. (*Due within 14 days of the date of docketing, or within 30 days if the United States or its officer or agency is a party in the appeal.*) [Only in cases where all parties are represented by counsel. See Fed. Cir. R. 33.1 and the mediation guidelines available at [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov).]
- Requests for extensions of time. See Fed. Cir. R. 26 and 27. **N.B. Delayed requests are not favored by the court.**
- Briefs. See Fed. Cir. R. 31. **N.B. You will not receive a separate briefing schedule from the Clerk's Office.**
- Settlement discussions. See Fed. Cir. R. 33.
- **ORAL ARGUMENT SCHEDULE CONFLICTS:** See Practice Note following Fed. Cir. R. 34.

The official caption is reflected on the electronic docket under the listing of the parties and counsel. The Rules of Practice and required forms are available at [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov).

Peter R. Marksteiner  
Clerk of Court

cc: Office of the Solicitor, US Patent and Trademark Office  
James R. Hannah  
Patrick D. McPherson

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,

Petitioner,

v.

FINJAN, INC.,

Patent Owner.

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Case IPR2018-00391

U.S. Patent No. 7,647,633

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**PETITIONER CISCO SYSTEM, INC.'S  
NOTICE OF CROSS APPEAL**

Via PTAB E2E  
Patent Trial and Appeal Board

Via Hand Carry  
Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel, 10B20  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

Via CM/ECF  
United States Court of Appeals for the Federal Circuit

Petitioner, Cisco Systems, Inc., hereby provides notice pursuant to 35 U.S.C. §§ 141, 142, and 319; 37 C.F.R. §§90.2, 90.3 and 104.2; Rule 4(a)(3) of the Federal Rules of Appellate Procedure; and Rule 15 of the Federal Circuit Rules, that Petitioner hereby cross appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered May 23, 2019 (Paper 33) and from all underlying orders, decisions, rulings, and opinions adverse to Petitioner regarding U.S. Patent 7,647,633 (“the ‘633 patent”) at issue in *inter partes* review IPR2018-00391.

Pursuant to 37 C.F.R. § 90.2(a)(3)(ii) Petitioner indicates that the expected issues on appeal may include, but are not limited to:

1. Whether the Board erred in finding the Petitioner failed to meet its burden to show unpatentability by a preponderance of the evidence that Claim 14 of the ‘633 would have been obvious under 35 U.S. C. § 103 over PCT Published Application WO 98/31124 (“Hanson”) in view of U.S. Patent No. 6,577,920 (“Hypponen”), and any finding or determination supporting or related to this issue; as well as other issues decided adversely to Petitioner in any orders, decisions, rulings and opinions.

Petitioner has electronically filed this notice with the Patent Trial and Appeal Board, and hand delivered to the Director of the United States Patent and Trademark Office 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, Petitioner is providing the Federal Circuit with a copy of the present Notice of Cross 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).

Dated: July 11, 2019

Respectfully Submitted,

/s/ Patrick D. McPherson

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End (PTAB E2E), this Cross Notice of Appeal was filed with the Director of the United States Patent and Trademark Office by hand on July 11, 2019, 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, VA 22314

The undersigned also certifies that a true and correct copy of this Notice of Cross Appeal and the required fee were filed on July 11, 2019, with the Clerk of Court for the United States Court of Appeals for the Federal Circuit via CM/ECF.

The undersigned also certifies that a true and correct copy of this Notice of Cross Appeal was served on July 11, 2019 on counsel of record for Patent Owner by electronic mail (by agreement of the parties) at the following addresses:

James Hannah: [jhannah@kramerlevin.com](mailto:jhannah@kramerlevin.com)  
Jeffrey H. Price: [jprice@kramerlevin.com](mailto:jprice@kramerlevin.com)

Dated: July 11, 2019

Respectfully Submitted,

/s/ Patrick D. McPherson  
Patrick D. McPherson  
Registration No. 46,255  
DUANE MORRIS LLP

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