

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Juniper Networks, Inc. & Palo Alto Networks, Inc.
Petitioners,

v.

Packet Intelligence LLC,
Patent Owner.

Case IPR2020-00337
U.S. Patent No. 6,771,646

PATENT OWNER'S NOTICE OF APPEAL

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 28 U.S.C. § 1295(a)(4)(A); 35 U.S.C. §§ 141(c), 142, and 319; 37 C.F.R. §§ 90.2(a) and 90.3; and Rule 4(a) of the Federal Rules of Appellate Procedure, Patent Owner Packet Intelligence LLC (“Packet Intelligence”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 48) entered on September 8, 2021 (attached hereto as Exhibit A); the Order denying Director Review (Paper 50) entered on November 22, 2021 (attached hereto as Exhibit B); and from all underlying orders, decisions, rulings, and opinions that are adverse to Packet Intelligence related thereto and included therein.

In particular, Packet Intelligence identifies the following issues on appeal: whether Mr. Hirshfeld—Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office—had authority to deny Packet Intelligence’s request for Director Review; the determination that Claims 1, 2, 7, 16, and 18 of U.S. Patent No. 6,771,646 are unpatentable under 35 U.S.C. § 103(a); any finding or determination supporting or relating to these issues; and all other procedural or substantive issues decided adversely to Packet Intelligence in any order, decision, ruling, or opinion by the Board in IPR2020-00337.

Packet Intelligence is concurrently providing true and correct copies of this Notice of Appeal, along with the required fees, to the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit.

Dated: January 21, 2022

Respectfully submitted,

By: /R. Allan Bullwinkel/

R. Allan Bullwinkel (Reg. No. 77,630)

Attorney for Patent Owner

Packet Intelligence LLC

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was served via email to lead and backup counsel of record for Petitioners as follows:

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The undersigned further certifies that a copy of the foregoing NOTICE OF APPEAL was electronically filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

The undersigned further certifies that a copy of the foregoing NOTICE OF APPEAL was sent to the Director of the United States Patent and Trademark Office via Federal Express to the following address: Office of the General Counsel, United States Patent and Trademark Office, Madison Building East, Room 10B20, 600 Dulany Street, Alexandria, Virginia 22314.

Dated: January 21, 2022

Respectfully submitted,

By: /R. Allan Bullwinkel/

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