

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC. and
BLUE COAT SYSTEMS, LLC,
Petitioners

v.

FINJAN, INC.
Patent Owner

Inter Partes Review No. 2016-00159¹
U.S. Patent No. 8,677,494

U.S. PATENT
AND
TRADEMARK OFFICE
2017 SEP 14 PM 12:47

PETITIONERS' NOTICE OF APPEAL

¹ Case IPR2016-01174 has been joined with this proceeding

Petitioners' Notice of Appeal
IPR2016-00159 (U.S. Patent No. 8,677,494)

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. §§ 141(c), 142, and 319, Palo Alto Networks, Inc. and Blue Coat Systems, LLC ("Petitioners") respectfully appeal to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's Final Written Decision entered on April 11, 2017 (Paper 50) and from other related orders, decisions, rulings, and opinions underlying the Board's decision.² This notice of appeal is timely pursuant to 37 C.F.R. § 90.3(b). A Request for Rehearing Pursuant to 37 C.F.R. § 42.71 was filed May 11, 2017 and decided on July 17, 2017.

For the limited purpose of providing the Director of the United States Patent and Trademark Office with the information specified in 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include the Board's mis-determination of the priority date of U.S. Patent No. 8,677,494, and the Board's erroneous conclusion that Petitioners did not establish that claims 3-5 and 10-15 of the '494 patent are unpatentable under 35 U.S.C. § 103. The issues on appeal also include any finding or determination supporting or related to these issues, as well as all other issues decided adversely to Petitioners in any order, decision, ruling, or opinion.

² Blue Coat Systems, LLC was petitioner in IPR2016-01174, which was joined with IPR2016-00159. (Paper 8.) Citations are to the IPR2016-00159 docket.

Petitioners' Notice of Appeal
IPR2016-00159 (U.S. Patent No. 8,677,494)

Simultaneous with this filing and in accordance with 37 C.F.R. § 90.2(a)(1), this Notice of Appeal is being filed with the Director and served on Patent Owner in accordance with 37 C.F.R. § 42.6(e). This Notice of Appeal, along with the required fees, is also being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit in accordance with Fed. Cir. R. 15(a)(1).

Dated: September 13, 2017

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By: /Michael T. Rosato/
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CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E system, the foregoing Notice of Appeal was sent by overnight Federal Express on September 13, 2017, to the Director of the United States Patent and Trademark Office, at the following address:

Office of the General Counsel
Patent and Trademark Office
Madison East
10B20 600 Dulany Street
Alexandria, Virginia 22314

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was filed electronically by CM/ECF on September 13, 2017, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

Pursuant to 37 C.F.R. §§ 90.2(a) and Federal Circuit Rule 15(a)(1), I certify that on September 13, 2017, the requisite \$500.00 fee for appeal of the foregoing Petitioners' Notice of Appeal was paid through Pay.gov to the United States Court of Appeals for the Federal Circuit.

Petitioners' Notice of Appeal
IPR2016-00159 (U.S. Patent No. 8,677,494)

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing Petitioners' Notice of Appeal on the Patent Owner at the e-mail addresses of the Patent Owner as follows:

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