

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIBERTY MUTUAL INSURANCE CO.  
Petitioner

v.

PROGRESSIVE CASUALTY INSURANCE CO.  
Patent Owner

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Case CBM2012-00002  
Patent 6,064,970

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PATENT OWNER'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Progressive Casualty Insurance Co. (“Progressive”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on January 23, 2014 (Paper 66) and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision on Institution of Covered Business Method Review entered on January 25, 2013 (Paper 10).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Progressive further indicates that the issues on appeal include, but are not limited to, the following: (1) Did the Patent Trial and Appeal Board (“PTAB”) err in its determination that it had jurisdiction or authority under Section 18 of the AIA to review claims 1, 3-6 and 9-18 of U.S. Patent No. 6,064,970 (the “’970 patent”)? (2) Did the PTAB err in its determination that the ’970 patent claims are covered business methods? (3) Did the PTAB err in its claim constructions, including that of the term “actuarial class” among others? (4) Did the PTAB err in its determination that claims 1, 3-6, and 9-18 of the ’970 patent should be cancelled as unpatentable under 35 U.S.C. § 103(a)? (5) Did the PTAB err in its determination and application of the knowledge and level of skill of a person of ordinary skill in the art? (6) Did the PTAB err by relying on and failing to exclude new evidence and arguments submitted by Petitioner for the first time with its Reply? (7) Did the PTAB err in

its determination to credit the testimony of Petitioner's witnesses over that of Progressive's witnesses? (8) Did the PTAB err in any of its findings or determinations with respect to the foregoing issues, together with all other issues decided adversely to Progressive in any of the PTAB's orders, decisions, rulings and opinions?

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Board. In addition, three copies of this Notice of Appeal, along with the required docketing fees, are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

**JONES DAY**

March 26, 2014

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**CERTIFICATE OF FILING**

I hereby certify that, in addition to being filed electronically through the Board's PRPS System, the original version of the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed by hand on this 26th day of March, 2014, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
Madison Building East, 10B20  
600 Dulany Street  
Alexandria, VA 22314-5793

**CERTIFICATE OF FILING**

I hereby certify that three (3) true and correct copies of the foregoing PATENT OWNER'S NOTICE OF APPEAL were filed by hand on this 26th day of March, 2014, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

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

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was served on March 26, 2014 by causing it to be sent by email to counsel for the Petitioner at the following email addresses:

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