

Filed on behalf of Overland Storage, Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPECTRA LOGIC CORPORATION

Petitioner,

v.

OVERLAND STORAGE INC.

Patent Owner

CASE: IPR2013-00357
Patent No. 6,328,766

PATENT OWNER'S NOTICE OF APPEAL

In accordance with 37 C.F.R. §§ 90.2(a) and 90.3, notice is hereby given that Patent Owner Overland Storage Inc. (“Overland Storage”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision in Case No. IPR2013-00357 entered on November 7, 2014 (Paper No. 26, a copy of which is attached hereto), and from all underlying findings, determinations, orders, decision, rulings and opinions, regarding Overland Storage’s U.S. Patent No. 6,328,766 (“the ’766 Patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Overland Storage further indicates that the issues on appeal may include, but are not limited to, the following:

- The Board’s determination that Claims 1-11 are unpatentable under §102(b) as anticipated by 3494 GSP and any other finding or determination (legal or factual) supporting or related to this determination;
- The Board’s January 8, 2015 denial of Overland Storage’s Request for Rehearing of Final Written Decision under 37 C.F.R. §42.71(d) (Paper 28) and any other finding or determination (legal or factual) supporting or related to this determination;
- The Board’s denial of Overland Storage’s motion to amend the claims of the ’766 Patent;

- The Board's claim construction;
- The Board's use of the broadest reasonable interpretation standard;
- and
- All other issues decided adversely to Overland Storage in any orders, decision, rulings and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, three copies of the 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,

Dated: March 9, 2015

/s/ Brent Yamashita

Brent Yamashita
Registration No. 53,808

DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303-2214
Telephone: 650.833.2348
Facsimile: 650.833.2001

CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS) on this 6th day of March, 2015, the original version of the foregoing, PATENT OWNER OVERLAND STORAGE INC.'S NOTICE OF APPEAL, was sent via overnight delivery on this 9th day of March, 2015, 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
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FILING

I hereby certify that three (3) true and correct copies of the foregoing, PATENT OWNER OVERLAND STORAGE INC.'S NOTICE OF APPEAL, were filed via overnight delivery on this 9th day of March, 2015 to 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

The undersigned hereby certifies that the foregoing PATENT OWNER
OVERLAND STORAGE INC.'S NOTICE OF APPEAL, was served via email on
March 9, 2015, in its entirety on the individuals listed below:

For Petitioner:

Robert E. Purcell, Esq.

The Law Office of Robert E. Purcell, PLLC

rpurcell@repurcelllaw.com

and

Kenneth Altshuler

Spectra Logic Corporation

kennetha@spectralogic.com

Dated: March 9, 2015

Respectfully submitted,

/s/ Brent Yamashita

Brent Yamashita
Registration No. 53,808

DLA PIPER LLP (US)
2000 University Avenue
East Palo Alto, CA 94303-2214
Telephone: 650.833.2348
Facsimile: 650.833.2001
Attorney for Overland Storage, Inc.