

Filed on behalf of Silver Peak Systems, Inc.
By: Darren E. Donnelly, Reg. No. 44,093
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIVERBED TECHNOLOGY, INC.,
Petitioner

v.

SILVER PEAK SYSTEMS, INC.,
Patent Owner

Case IPR2014-00245
Patent 8,392,684

**NOTICE OF APPEAL
OF PATENT OWNER SILVER PEAK SYSTEMS, INC.**

IPR2014-00245

Patent Owner's Notice of Appeal

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

Pursuant to 37 C.F.R. § 90.2(a), and Fed. R. App. P. 3(c)(1) notice is hereby given that Patent Owner Silver Peak Systems, Inc. ("Silver Peak") appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on June 9, 2015 (Paper No. 42) and from all adverse findings, orders, notices, decisions, rulings, and opinions in the underlying proceeding.

Pursuant to Fed. Cir. R. 15(a)(3), the address and telephone number of counsel is:

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In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Silver Peak states that the issues on appeal may include, but are not limited to: the Patent Trial and Appeal Board's decision denying Silver Peak's motion to amend claims of U.S. Patent No. 8,392,684 ("the '684 patent"), including application of *Idle Free* as a governing rule, application of a substantive rule involving 35 U.S.C. § 101 to proposed

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substitute claims 39–45 and 48; the decision in Paper 19 dated August 22, 2014, and any finding or determination supporting or relating to those issues, as well as all other issues decided adversely to the Patent Owner in any orders, decisions, notices, 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, this Notice of Appeal, along with the required docketing fees, are being filed and paid electronically with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: August 10, 2015

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Attorneys for Patent Owner
Silver Peak Systems, Inc.

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CERTIFICATE OF FILING AND SERVICE

I, Darren Donnelly, hereby certify that on this 10th day of August, 2015, in addition to being filed electronically through the Patent Trial and Appeal Board's PRPS, a true and correct copy of the foregoing PATENT OWNER SILVER PEAK SYSTEMS, INC.'S NOTICE OF APPEAL was caused to be filed by hand 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, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22134

I also hereby certify that on this 10th day of August, 2015 a true and correct copy of the foregoing PATENT OWNER SILVER PEAK SYSTEMS, INC.'S NOTICE OF APPEAL was caused to be filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, and the filing fee paid electronically.

I also hereby certify that on this 10th day of August, 2015 a true and correct copy of the foregoing PATENT OWNER SILVER PEAK SYSTEMS, INC.'S NOTICE OF APPEAL was served, by electronic mail and Federal Express on the following parties:

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Patent Owner's Notice of Appeal

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