

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC CORPORATION
Petitioner

v.

ACQIS LLC
Patent Owner

IPR2014-01469

U.S. Patent No. RE42,814

PETITIONER'S NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2(a), Petitioner EMC Corporation hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered March 8, 2016 (Paper 56), and from all underlying findings, orders, decisions, rulings, and opinions, including, without limitation, the Decision, Institution of *Inter Partes* Review entered March 11, 2015 (Paper 11).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner states that the issues for appeal include, but are not limited to: the Board’s determination that claims 24 and 31-33 of U.S. Patent No. RE42,814 have not been shown to be unpatentable; the Board’s construction and interpretation of those claims; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s determination that A. Bogaerts et al., *RD24 Status Report: Application of the Scalable Coherent Interface to Data Acquisition at LHC* (Oct. 1996) is not prior art to the ’814 patent; the Board’s determinations in the Decision, Institution of *Inter Partes* Review; and the Board’s factual findings, conclusions of law, or other determinations supporting or relating to the above issues.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office. Simultaneous with this submission, a copy of this Notice is being filed with the

Patent Trial and Appeal Board. In addition, a copy of this Notice, along with the required docketing fees, is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

DATED: April 11, 2016

By: /s/ Brian M. Buroker

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CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's PRPS, the foregoing Notice of Appeal was filed by Express Mail on April 11, 2016, 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

The undersigned certifies that a copy of the foregoing Notice of Appeal, along with the required docket fee, was filed on April 11, 2016, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system.

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Notice of Appeal by electronic mail on April 11, 2016, on the counsel of record of the Patent Owner:

Wayne Stacy, wstacy@cooley.com, ACQIS-IPR@cooley.com

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DATED: April 11, 2016

By: /s/ Brian M. Buroker

Brian M. Buroker (Reg. No. 39,125)
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