

Patent No. 8,150,808
Patent Owner Notice of Appeal

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIFIO, INC.,
Petitioner,

- vs. -

DELPHIX CORP.,
Patent Owner.

Case Nos. 2015-00016, -00019
Patent No. 8,150,808

PATENT OWNER'S NOTICE OF APPEAL

Mail Stop Patent Board
Patent Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22313-1450

May 13, 2016

Patent Owner hereby provides notice of appeal to the United States Court of Appeals for the Federal Circuit under 35 U.S.C. §§141 and 142 from the consolidated Final Written Decision¹ of the Patent Trial and Appeal Board (“Board”) dated April 13, 2016.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner anticipates that the issues on appeal may include the following, as well as any underlying findings, determinations (including claim constructions), rulings, decisions, opinions, or other related issues:

- Whether the Board erred in finding that Petitioner has shown by a preponderance of the evidence that the challenged claims of U.S. Patent No. 8,150,808 are unpatentable.

Patent Owner is simultaneously filing a copy of this Notice with the Director and the Board, as well as with the Clerk of the United States Court of Appeals for the Federal Circuit. (*See* 37 C.F.R. §§ 90.2(a)(1) and (2).)

Respectfully submitted,

/J. David Hadden/

J. David Hadden
Reg. No. 40,629

May 13, 2016

¹ The Board exercised its jurisdiction under 35 U.S.C. § 315(d) to consolidate two separate trials (IPR2015–00016 and IPR2015–00019) involving different claims of U.S. Patent No. 8,150,808 and issued a single Final Written Decision. (*See* Paper No. 69 at 1–2.)

CERTIFICATE OF SERVICE

The undersigned declares as follows:

I am a citizen of the United States and employed in San Francisco County, State of California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Fenwick & West LLP, 555 California Street, San Francisco, CA 94111. On the date set forth below, I caused a copy of the foregoing **PATENT OWNER'S NOTICE OF APPEAL** to be served by electronic mail upon the following counsel for

Petitioner, Actifio, Inc.:

Robert Steinberg (Reg. No. 33144)
Bob.Steinberg@lw.com
Latham & Watkins LLP
355 South Grand Avenue
Los Angeles, CA 90071

Jonathan Link (Reg. No. 41548)
Jonathan.Link@lw.com
Latham & Watkins LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004

I declare under penalty of perjury under the laws of the State of California and the United States that the above is true and correct.

Dated: May 13, 2016

/s/Dorothy W. Stewart