

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON.COM, LLC,
AMAZON WEB SERVICES, INC., BAZAARVOICE, INC.,
GEARBOX SOFTWARE, LLC,
INTERNATIONAL BUSINESS MACHINES CORPORATION, and
SOFTLAYER TECHNOLOGIES, INC.,
Petitioners

v.

ZITOVault, LLC,
Patent Owner

Case IPR2016-00021
Patent 6,484,257 B1

PETITIONER SOFTLAYER TECHNOLOGIES, INC.'S
NOTICE OF APPEAL

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), Petitioner Softlayer Technologies, Inc. (“Softlayer”) hereby gives notice of its appeal under 35 U.S.C. § 141(c) to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (“Decision,” Exhibit 1) issued by the Patent Trial and Appeal Board (“the Board”) on April 11, 2017 (Paper 40) in the above-referenced proceeding, and from all orders, decisions, rulings, and opinions underlying the Final Written Decision.

The issues on appeal will include: (1) whether the Board erred in construing the term “secure session;” and (2) whether the Board correctly concluded, based on the construction of “secure session,” that Softlayer had not demonstrated by a preponderance of the evidence that any of claims 1, 3, 5-8, and 10 of U.S. Patent No. 6,484,257 B1 is unpatentable. This recitation of issues for the appeal is merely exemplary and Softlayer reserves the right to argue any issue relating to the Board’s adverse decision regarding claims 1, 3, 5-8, and 10 of the ‘257 patent.

This Notice of Appeal is being filed simultaneously with the Director of the United States Patent and Trademark Office, the Board, and the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

If any additional fees are due, the Director is hereby authorized to charge such additional fees to Haynes and Boone, LLP Deposit Account No. 08-1394.

Respectfully submitted this 21st day of June, 2017.

/s/ David L. McCombs

David L. McCombs

USPTO Reg. No. 32,271

HAYNES AND BOONE,

LLP

2323 Victory Avenue, Suite 700

Dallas, Texas 75219

Email: *David.McCombs@haynesboone.com*

Telephone: 972.739.8636

Facsimile: 972.692.9116

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 1.903, the undersigned, on behalf of the Petitioner Softlayer, hereby certifies that this Notice was served in the manner shown below, to the following, on this 21st day of June, 2017.

Via Hand-Delivery and U.S. First Class Mail

The Office of the General Counsel
U.S. Patent and Trademark Office
Madison Building East, 10B20
600 Dulany Street
Alexandria, Virginia 22313-1450

Patent Trial and Appeal Board
U.S. Patent and Trademark Office
Madison Building East, 10B20
600 Dulany Street
Alexandria, Virginia 22313-1450

Via E-Mail and U.S. First Class Mail

Michael R. Casey
Wayne Helge
DAVIDSON BERQUIST JACKSON & GOWDEY, LLP
8300 Greensboro Drive
Suite 500
McLean, Virginia 22102
mcasey@dbjg.com
whelge@dbjg.com

/s/ David L. McCombs

David L. McCombs