

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**DELL INC.; EMC CORPORATION; HEWLETT PACKARD ENTERPRISE
COMPANY; HP ENTERPRISE SERVICES, LLC; and VERITAS
TECHNOLOGIES, LLC,**

Petitioners,

v.

REALTIME DATA LLC,

Patent Owner.

Case IPR2017-00179¹

U.S. Patent No. 9,054,728

PETITIONERS' NOTICE OF APPEAL

Office of the Solicitor

U.S. Patent & Trademark Office Mail Stop 8

P.O. Box 1450

Alexandria, VA 22313-1450

¹ Cases IPR2017-00808 and IPR2017-01690 have been consolidated or joined with this proceeding.

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-90.3, Petitioners Dell Inc.; EMC Corporation; Hewlett Packard Enterprise Company; HP Enterprise Services, LLC; and Veritas Technologies, LLC² (collectively, “Petitioners”) appeal 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 on May 25, 2018, in IPR2017-00179 (Paper No. 40), IPR2017-00808 (Paper No. 32),³ and IPR2017-01690 (Paper No. 16), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the inter partes reviews (IPR2017-00179, IPR2017-00808, and IPR2017-01690) of U.S. Patent No. 9,054,728 (the “’728 patent”).

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

- (1) the Board’s decision finding that Petitioners did not show by a preponderance of the evidence that claims 1–10, 15, 20, and 24 of the ’728 patent were unpatentable;

² On December 15, 2017, the Board ordered the joinder of IPR2017-01690, filed by Petitioner Veritas Technologies, LLC on claims 1–10, 15, 20, and 24, of U.S. Patent No. 9,054,728, with IPR2017-00179. IPR2017-01690 was terminated as a separate proceeding.

³ On September 8, 2017, the Board ordered the consolidation of IPR2017-00808, filed by Petitioner Teradata Operations, Inc. on claims 1–3, 9, 10, 15, 20, and 24, of U.S. Patent No. 9,054,728, with IPR2017-00179.

- (2) the Board’s legal conclusions regarding nonobviousness, the factual bases underlying the Board’s legal conclusions, and the sufficiency of the Board’s analysis and fact-findings regarding the same; and
- (3) any other factual findings, conclusions of law, or other determinations supporting or related to the aforementioned issues, as well as all other issues decided adversely to Petitioners in any orders, decisions, rulings, and opinions.

A copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board.

Dated: July 27, 2018

Respectfully submitted:

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Lead Counsel for Petitioners Dell Inc.; EMC Corporation; Hewlett Packard Enterprise Company; HP Enterprise Services, LLC in IPR2017-00179

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CERTIFICATION OF FILING

The undersigned hereby certifies that the foregoing Petitioners' Notice of Appeal was filed electronically through the Patent Trial and Appeal Board's End to End System (PTAB E2E) on July 27, 2018. A copy of this Notice of Appeal was also sent on July 27, 2018 by priority mail to the United States Patent and Trademark Office at the following address:

Office of the Solicitor
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Alexandria, VA 22313-1450

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CERTIFICATION OF SERVICE

In accordance with § 42.6(e)(1), the undersigned certifies that on July 27, 2018, the above Petitioners' Notice of Appeal was served, via electronic mail upon the following counsel for Patent Owner:

William P. Rothwell - william@noroozipc.com
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Dated: July 27, 2018

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