

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TREND MICRO, INC.,  
Petitioner,

v.

CUPP COMPUTING AS,  
Patent Owner.

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Case IPR2019-00561  
Patent No. 8,365,272

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**PATENT OWNER'S NOTICE OF APPEAL**

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. §§ 90.2 and 90.3, Patent Owner, CUPP Computing AS (“CUPP Computing”), 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 (“the Board”) entered July 6, 2020, (Paper 27) and from all underlying orders, decisions, rulings, and opinions regarding U.S. Patent No. 8,365,272 (“the ’272 Patent”) at issue in *inter partes* review IPR2019-00561.

The issues on appeal, pursuant to 37 C.F.R. § 90.2(a)(3)(ii) include, but are not limited to: the Board's interpretation and construction of the claims, including the Board's construction of the terms in the final written decision; the Board's determination that Petitioner showed by a preponderance of the evidence that claim 1 of the '272 Patent is unpatentable; the Board's conclusions regarding the rationale and motivation to combine the asserted references; any finding or determination supporting or related to those issues; the Board's failure to consider evidence of objective indicia; all other issues decided adversely to CUPP Computing in any orders, decisions, rulings, and opinions.

Copies of Patent Owner's Notice of Appeal are being filed simultaneously with the Director of the United States Patent and Trademark Office, the Patent Trial and Appeal Board, and the United States Court of Appeals for the Federal Circuit.

Patent Owner's Notice of Appeal  
IPR2019-00561 (U.S. Patent No. 8,365,272)

Respectfully submitted,

Dated: September 10, 2020

/James Hannah/

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(Case No. IPR2019-00561)

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**CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Petitioner as detailed below.

*Date of service*     September 10, 2020

*Manner of service*     Electronic Mail (robert.buergi@dlapiper.com;  
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*Documents served*     PATENT OWNER'S NOTICE OF APPEAL

*Persons Served*     Robert Buergi  
James M. Heintz  
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In addition, the foregoing Patent Owner's Notice of Appeal was filed by Express Mail on September 10, 2020, with the United States Patent and Trademark Office at the following address:

Office of the Solicitor  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

The undersigned hereby certifies that the foregoing Patent Owner's Notice of Appeal was electronically filed with the United States Court of Appeals for the Federal Circuit through CM/ECF and pay.gov on September 10, 2020.

Pursuant to Federal Circuit Rule 15, one paper copy of the foregoing was simultaneously sent to the Clerk of the United States Court of Appeals for the Federal Circuit.

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