

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

EMC CORPORATION AND EMC ISRAEL )  
DEVELOPMENT CENTER, LTD., )  
 )  
Plaintiffs )  
 )  
v. ) C.A. No. 12-956-GMS  
 )  
ZERTO, INC., )  
 )  
Defendant. )  
 )

## NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant Zerto, Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the District Court's Order dated March 31, 2016 (D.I. 300), and from all underlying and related Orders, Opinions, Decisions, and Rulings including, without limitation, the Order dated September 5, 2014 (D.I. 144) and the Memorandum dated March 31, 2016 (D.I. 299).

OF COUNSEL

YOUNG CONAWAY STARGATT &  
TAYLOR, LLP

**FOLEY & LARDNER LLP**  
Matthew B. Lowrie  
Lucas I. Silva  
111 Huntington Avenue  
Suite 2600  
Boston, MA 02199-7610  
(617) 342-4006  
*mlowrie@foley.com*  
*lsilva@foley.com*

*/s/ Robert M. Vrana*

---

Adam W. Poff (No. 3990)  
Robert M. Vrana (No. 5666)  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
(302) 571-6600  
*apoff@ycst.com*  
*rvrana@ycst.com*

Dated: April 14, 2016

*Attorneys for Defendant Zerto, Inc.*

**CERTIFICATE OF SERVICE**

I, Robert M. Vrana, hereby certify that on April 14, 2016, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Jack B. Blumenfeld, Esquire  
Michael J. Flynn, Esquire  
Morris Nichols Arsht & Tunnell LLP  
1201 North Market Street  
Wilmington, DE 19899-1347  
*jblumenfeld@mnat.com*  
*mflynn@mnat.com*

*Attorneys for Plaintiffs*

I further certify that on April 14, 2016, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel of record and on the following:

Michael N. Rader, Esquire  
Allen S. Rugg, Esquire  
Gregory F. Corbett, Esquire  
Nathan R. Speed, Esquire  
Richard F. Giunta, Esquire  
Robert M. Abrahamsen, Esquire  
Kimberly A.P. Cortes, Esquire  
Justin C. Colannino, Esquire  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2206  
*mrader@wolfgreenfield.com*  
*arugg@wolfgreenfield.com*  
*gcorbett@wolfgreenfield.com*  
*nspeed@wolfgreenfield.com*  
*rgiunta@wolfgreenfield.com*  
*rabrahamsen@wolfgreenfield.com*  
*kcortes@wolfgreenfield.com*  
*jcolannino@wolfgreenfield.com*

*Attorneys for Plaintiffs*

Dated: April 14, 2016

YOUNG CONAWAY STARGATT &  
TAYLOR, LLP

/s/ Robert M. Vrana

Adam W. Poff (No. 3990)  
Robert M. Vrana (No. 5666)  
Gregory J. Brodzik (No. 5722)  
Rodney Square  
1000 N. King Street  
Wilmington, Delaware 19801  
rvrana@ycst.com

*Attorneys for Defendant*