

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC CORPORATION,
Petitioner

v.

ACTIVIDENTITY, INC.
Patent Owner, and

INTELLECTUAL VENTURES I LLC,
Exclusive Licensee

Case IPR2017-00338
Patent 9,098,685

EXCLUSIVE LICENSEE'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

via Hand Carry
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

via CM/ECF

INTRODUCTION

Intellectual Ventures I LLC's ("Exclusive Licensee") appeal stems from the Patent Trial and Appeal Board's Final Written Decision entered on July 2, 2018 (Paper 45) (the "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 9,098,685. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(b)(1).

EXCLUSIVE LICENSEE'S APPEAL

Please take notice that under 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rules of Appellate Procedure/Federal Circuit Rule 4(3)(a), Exclusive Licensee hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision based on the "Decision, Institution of *Inter Partes* Review" entered on July 3, 2017 (Paper 9) (the "Institution Decision").

EXCLUSIVE LICENSEE'S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Exclusive Licensee's issues on appeal include at least: (i) the Board's finding that claims 1, 3, 5, 7-9, 11, 13, 15, 16, and 19 of the '685 patent are unpatentable as anticipated by Wood; (ii) the Board's finding that claims 1, 3, 5, 7-9, 11, 13, 15, 16, and 19 of the '685 patent are unpatentable as obvious over the combination of Wood and Neuman IETF; and (iii) any finding or determination supporting or related to the aforementioned

issues as well as all other issues decided adversely to Exclusive Licensee in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Exclusive Licensee is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Byron L. Pickard/

Byron L. Pickard, Reg. No. 65,172
Attorney for Patent Owner

Date: August 21, 2018

1100 New York Avenue, N.W.
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CERTIFICATE OF FILING

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **EXCLUSIVE LICENSEE'S NOTICE OF APPEAL** is being filed by hand with the Director on August 21, 2018 at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned **EXCLUSIVE LICENSEE'S NOTICE OF APPEAL** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on August 21, 2018.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Byron L. Pickard/

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Attorney for Patent Owner

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing **EXCLUSIVE LICENSEE'S NOTICE OF APPEAL** were served electronically via e-mail on August 21, 2018, in their entirety on the following:

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