

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOX, INC. and DROPBOX, INC.,
Petitioner,

v.

TOPIA TECHNOLOGY, INC.,
Patent Owner.

IPR2023-00433
Patent 10,067,942 B2

PATENT OWNER'S NOTICE OF APPEAL

Via First Class Mail
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
Mail Stop 8, P.O. Box 1450
Alexandria, VA 22313-1450

Via P-TACTS
Patent Trial and Appeal Board

Via CM/ECF
United States Court of Appeals for the Federal Circuit

Notice is hereby given, pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2(a), that Topia Technology, Inc. (“Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Judgment and Final Written Decision of the Patent Trial and Appeal Board (“Board”) entered on August 1, 2024 (Paper 64, attached hereto as Exhibit A) in IPR2023-00433 and from all underlying or related decisions, rulings, and opinions that are adverse to Patent Owner, including, without limitation, those within the Decision on Institution of *Inter Partes* Review, entered August 4, 2023 (Paper 17, attached hereto as Exhibit B).

This notice is timely filed under 37 C.F.R. § 90.33, having been filed no later than 63 days after the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), without waiving and expressly reserving the right to raise other issues, the expected issues on appeal include, but are not limited to:

- (i) the Board’s determination in its Final Written Decision that Petitioner Box, Inc. and Dropbox, Inc. (“Petitioner”) has shown based on a preponderance of evidence that claims 1, 3, 4, 10, 12 and 13 of U.S. Patent No. 10,067,942 are unpatentable;
- (ii) any further findings or determinations by the Board supporting or relating to the issues above, including without limitation the Board’s claim constructions, the Board’s consideration of expert

testimony, and the Board's factual findings, conclusions of law, or other determinations supporting or related to the foregoing issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, or opinions.

Pursuant to 37 C.F.R. § 90.2(a)(1) and (a)(2), and as reflected in the attached Certificate of Service, this Notice of Appeal is being filed with: (1) the Director of the United States Patent and Trademark Office; (2) the Patent Trial and Appeal Board; and (3) the Clerk's Office for the United States Court of Appeals for the Federal Circuit. Pursuant to Fed. Cir. R. 15(a)(1), a copy of this Notice, Federal Circuit Form 5, and the required docketing fees are being filed with Clerk of the U.S. Court of Appeals for the Federal Circuit via CM/ECF.

Dated: August 14, 2024

Respectfully submitted

/ Raja Saliba /

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CERTIFICATION OF FILING

I hereby certify that the foregoing **PATENT OWNER'S NOTICE OF APPEAL** is being filed on the 14th day of August, 2024, by U.S.P.S. EXPRESS MAIL® to:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, Virginia 22313-1450

and copies are being filed:

- 1) Via P-TACTS with the Patent Trial and Appeal Board; and
- 2) Via CM/ECF (with required fee) with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

SUGHRUE MION, PLLC

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CERTIFICATE OF SERVICE

The undersigned certifies that on the 14th day of August, 2024, a copy of the foregoing PATENT OWNER’S NOTICE OF APPEAL with accompanying Exhibits A and B and Federal Circuit Form 5 was electronically filed through the Patent Trial and Appeal Board’s E2E system, and otherwise as stated above, and served electronically via email on the following counsel of record for Petitioner:

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