

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VALVE CORPORATION,  
Petitioner,

v.

IRONBURG INVENTIONS LTD.,  
Patent Owner.

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Case: IPR2016-00948

U.S. Patent 8,641,525

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**PETITIONER'S NOTICE OF CROSS-APPEAL**

To: Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel

### **NOTICE OF CROSS-APPEAL**

Please take notice that Petitioner Valve Corporation (“Valve”) hereby cross-appeals under 35 U.S.C. §§ 141(c) and 142 and 37 C.F.R §§ 90.2 and 90.3 to the U.S. Court of Appeals for the Federal Circuit from the final written decision of September 22, 2017 (Paper 44), and from the rehearing decision of January 26, 2018 (Paper 54), of the *inter-partes* review proceeding IPR2016-00948 before the Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office (USPTO), in which the PTAB did not find claims 1-11, 13, 16, and 17 obvious over the combination of U.S. Patent App. Pub. 2010/0073283 (“Enright”) and U.S. Patent No. 5,989,123 (“Tosaki”), and did not find claim 18 obvious over the combination of Enright, Tosaki and U.S. Patent No. 4,032,728 (“Oelsch”). Patent Owner Ironburg Inventions Ltd. (“Ironburg”) filed a notice of appeal with this Court on March 27, 2018 from the same final written decision and rehearing decision in IPR2016-00948 (CAFC Docket 18-1731), and so the present notice of cross-appeal is timely under the Federal Rule of Appellate Procedure (“FRAP”) 4(a)(3).

## ISSUES ON CROSS-APPEAL

For the limited purpose of providing the Director of the USPTO the information required under 37 C.F.R. 90.2(a)(3)(ii), Valve hereby identifies the following issues on cross-appeal:

- (a) Whether the PTAB erred in finding that Valve did not demonstrate sufficiently that claims 1-11, 13, 16, and 17 are obvious over the combination of Enright and Tosaki, including any supporting determinations by the PTAB;
- (b) Whether the PTAB erred in finding that Valve did not demonstrate sufficiently that claim 18 is obvious over the combination of Enright, Tosaki and Oelsch, including any supporting determinations by the PTAB.

## RELATED FILINGS AND SERVICE

This Notice is being filed today with the Director of the USPTO by USPS Priority Mail Express®, per 37 C.F.R § 90.2(a), at:

Director of the USPTO  
c/o Office of the General Counsel of the USPTO  
P.O. Box 1450  
Alexandria, VA 22313-1450

A true copy of this Notice has also been filed today with the PTAB through the PTAB E2E electronic filing system, per 37 C.F.R § 90.2(a).

A true copy is also being electronically filed today with the United States Court of Appeals for the Federal Circuit (including copies of the PTAB decisions being appealed from and payment of the requisite filing fee), with a paper copy simultaneously sent by USPS Priority Mail Express® to:


Clerk of Court  
United States Court of Appeals for the  
Federal Circuit 717 Madison Place NW  
Washington, DC 20439

A true copy of this Notice has also been electronically served today on Ironburg's counsel of record (Manatt, Phelps & Phillips, LLP) at the following electronic mail addresses:

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Dated: April 4, 2018

Respectfully submitted,

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## UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

### CERTIFICATE OF SERVICE

I certify that I served a copy on counsel of record on 04 April 2018

by:

- U.S. Mail
- Fax
- Hand
- Electronic Means (by E-mail or CM/ECF)

Joshua C. Harrison

/s/ Joshua C. Harrison

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