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Lampros Kalampoukas

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FREE STREAM MEDIA CORP.
d/b/a SAMBA TV,

Plaintiff,

vs.

ALPHONSO INC., ASHISH CHORDIA,
RAGHU KODIGE, and LAMPROS
KALAMPOUKAS,

Defendants.

Case No. 3:17-cv-02107-RS

**DEFENDANTS' NOTICE OF
CONDITIONAL CROSS-APPEAL**

Judge: Hon. Richard Seeborg

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Appellate Procedure 4(a)(3), Defendants Alphonso, Inc., Ashish Chordia, Raghu Kodige and Lampros Kalampoukas (collectively, “Alphonso”) hereby conditionally cross-appeal to the United States Court of Appeals for the Federal Circuit from the district court’s decisions resolved adversely to Alphonso related to the validity of U.S. Patent Nos. 9,026,668 (“the ’668 patent”) and 9,386,356 (“the ’356 patent”). *See Typeright Keyboard v. Microsoft Corp.*, 374 F.3d 1151, 1157 n.4 (Fed. Cir. 2004); *Radio Steel & Mfg. Co. v. MTD Products, Inc.*, 731 F.2d 840, 843-44 (Fed. Cir. 1984). This includes, without limitation, the Claim Construction Order (Dkt. No. 125), the Order Denying Motion to Dismiss (Dkt. No. 277), the Order Denying Motion for Leave to Seek Reconsideration or to Certify for Interlocutory Appeal (Dkt. No. 291), and all prior interlocutory orders, rulings, decisions, and subsidiary findings regarding the validity of the ’668 and ’356 patents, whether oral or written, resolved adversely to Alphonso.

This cross-appeal is contingent on the disposition of the infringement appeal noticed by Plaintiff Free Stream Media Corp. d/b/a Samba TV (“Samba”). Alphonso requests that the Court of Appeals address the conditional cross-appeal regarding invalidity only if it does not affirm the judgment in Samba’s appeal regarding noninfringement.

Dated: June 14, 2019

Respectfully submitted,

By: /s/ Neel Chatterjee
Neel Chatterjee

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Attorneys for Defendants Alphonso Inc.,
Ashish Chordia, Raghu Kodige, and
Lampros Kalampoukas

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on June 14, 2019. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on June 14, 2019 in Redwood City, California.

/s/ Neel Chatterjee
Neel Chatterjee