

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

SILVER PEAK SYSTEMS, INC.,
Appellant

v.

**JOSEPH MATAL, PERFORMING THE FUNCTIONS
AND DUTIES OF THE UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR, U.S. PATENT AND TRADEMARK
OFFICE,**
Intervenor

2015-2072

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2014-
00245.

Decided: October 24, 2017

DARREN EDWARD DONNELLY, Fenwick & West, LLP,
Mountain View, CA, argued for appellant. Also repre-
sented by JASON E. AMSEL; EMAN SOJODI, San Francisco,
CA.

JEREMIAH HELM, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, argued for intervenor. Also represented by THOMAS W. KRAUSE, SCOTT WEIDENFELLER, ROBERT MCBRIDE.

Before PROST, *Chief Judge*, BRYSON and WALLACH,
Circuit Judges.

PROST, *Chief Judge*.

In light of this court's en banc decision in *Aqua Products, Inc. v. Matal*, No. 2015-1177, 2017 WL 4399000 (Fed. Cir. Oct. 4, 2017) (en banc), the judgment of the Patent Trial and Appeal Board is vacated and this case is remanded to the Board for further proceedings consistent with *Aqua*.

VACATED AND REMANDED