

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION, GLOBALFOUNDRIES U.S., INC.,
MICRON TECHNOLOGY, INC., and
SAMSUNG ELECTRONICS COMPANY, LTD.¹,
Petitioners,

v.

DANIEL L. FLAMM,
Patent Owner.

PTAB Case No. IPR2017-00281
Patent No. RE40,264 E

**CROSS-APPEAL OF PETITIONERS INTEL CORPORATION,
GLOBALFOUNDRIES U.S., INC, AND MICRON TECHNOLOGY, INC.**

¹ Samsung Electronics Company, Ltd. was joined as a party to this proceeding via a Motion for Joinder in IPR2017-01750.

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

I. Introduction

Pursuant to 35 U.S.C. §§ 141, 142, and 319 and 37 C.F.R. §§ 90.2 and 90.3(a)(1), Petitioners Intel Corporation, GLOBALFOUNDRIES U.S., Inc., and Micron Technology, Inc. (“Petitioners”) hereby provide notice that they appeal the Final Written Decision of the Patent Trial and Appeal Board entered on January 31, 2019 (Paper Number 31), including all underlying orders, decisions, rulings, and opinions, to the United States Court of Appeals for the Federal Circuit. This Notice is timely filed both because it is being filed within 63 days of the Board’s Final Written Decision and because it is being filed within 14 days of Patent Owner’s notice of its appeal from the same decision. *See* 37 C.F.R. § 90.3(a)(1) (incorporating Fed. R. App. P. 4(a)(3)).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues Petitioners intend to raise on their appeal include but are not limited to: (i) the PTAB’s determination that Petitioners did not establish by a preponderance of the evidence that claims 47 and 48 of U.S. Patent No. RE40,264 E are unpatentable; (ii) the PTAB’s refusal to consider arguments made by Petitioners in their Reply Brief regarding motivations to combine references; and (iii) any findings or determinations supporting or

related to the aforementioned issues, as well as all other issues decided adversely to Petitioners in any orders, decisions, rulings, and/or opinions.

In addition to this submission, a copy of this Notice is being filed with the PTAB through PTAB End to End (PTAB E2E) and a copy of the Notice and the required docketing fee are being submitted to the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Dated: April 4, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE (7 C.F.R. § 42.6(e))

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of this NOTICE OF CROSS-APPEAL is being sent via priority mail on April 4, 2019, to the Director of the United States Patent and

Trademark Office, at the following address:
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
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Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of this NOTICE OF CROSS-APPEAL and the filing fee are being tendered to the Clerk's Office of the United States Court of Appeals for the Federal Circuit via that Court's CM/ECF system.

Dated: April 4, 2019

Respectfully submitted,

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