

Filed: October 30, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTEL CORPORATION, CAVIUM, LLC, and DELL INC.,<sup>1</sup>  
Petitioner

v.

ALACRITECH, INC.,  
Patent Owner

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Case IPR2018-00234  
U.S. Patent No. 8,805,948

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**PETITIONER INTEL CORPORATION'S NOTICE OF APPEAL**

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<sup>1</sup> Cavium, LLC (formerly Cavium, Inc.) which filed a Petition in Case IPR2018-00403, and Dell Inc., which filed a Petition in Case IPR2018-01307, have been joined as petitioners in this proceeding.

Pursuant to 35 U.S.C. § 142 and in accordance with 37 C.F.R. § 90.2, Intel Corporation (“Intel”) hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Board’s Order Dismissing the Petition, Vacating Institution of *Inter Partes* Review, and Terminating *Inter Partes* Review (“Order”) entered on June 4, 2019 (Paper 66). Please note that the Order in this matter has been sealed to the public, and currently only the Parties and Board have access to it. Therefore, it is not attached to this Notice.

Decisions under 35 U.S.C. § 315(b) are reviewable under *Wi-Fi One, LLC v. Broadcom Corp.*, 878 F.3d 1364, 1367 (Fed. Cir. 2018) (en banc) (“We therefore hold that the time-bar determinations under § 315(b) are appealable.”).

For the limited purpose of providing the Director of the United States Patent and Trademark Office with the information requested under 37 C.F.R. § 90.2(a)(3)(ii), Intel expects that the issues on appeal may include the following, along with any underlying findings, determinations, rulings, opinions, orders, decisions, or other related issues:

- The Board’s determination that Intel’s IPR Petition is time-barred under 35 U.S.C. § 315(b);
- The Board’s determination that Dell Inc. (“Dell”) is a real party in interest; and

- The Board's determination that Intel and Dell are privies.

Intel reserves the right to challenge any finding or determination supporting or relating to the issues listed above. Intel also reserves the right to challenge any other issues decided against Intel in any order, decision, ruling, or opinion by the Board in the above-captioned proceeding.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2(a), 90.3(a), and 90.3(b)(1), this Notice is being timely filed with the Director of the United States Patent and Trademark Office within 63 days of the Board's Decision Granting in Part and Denying in Part Petitioner's Request for Rehearing (Paper 71), and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice is being filed with the Clerk of the United States Court of Appeals for the Federal Circuit, along with an electronic copy of the Notice and the required docketing fee, which are being served electronically on the Court by CM/ECF and pay.gov.

Dated: October 30, 2019

Respectfully Submitted,

/s/ Garland T. Stephens

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IPR2018-00234  
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**CERTIFICATE OF FILING**

The undersigned hereby certifies that, in addition to being electronically filed through PTAB E2E, a true and correct copy of the above-captioned PETITIONER INTEL CORPORATION'S NOTICE OF APPEAL is being sent via priority mail on October 30, 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  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned PETITIONER INTEL CORPORATION'S NOTICE OF APPEAL and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on October 30, 2019.

Date: October 30, 2019

/s/ Garland T. Stephens  
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Reg. No. 37,242

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