

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Intel Corporation,
Petitioner,

v.

Qualcomm Incorporated,
Patent Owner.

Case IPR2018-01334¹
U.S. Patent No. 8,838,949

PATENT OWNER'S NOTICE OF APPEAL

¹ IPR2018-01335 and IPR2018-01336 have been consolidated with the instant proceeding.

Pursuant to 37 C.F.R § 90.2(a), Patent Owner Qualcomm Incorporated (“Qualcomm” or “Patent Owner”) hereby appeals to the United States Court of Appeals for the Federal Circuit the Patent Trial and Appeal Board’s Final Written Decision on Remand in these consolidated IPRs, entered on March 21, 2023 (Paper 49), and from all underlying orders, decisions, rulings and opinions that are adverse to Qualcomm.

In accordance with 37 C.F.R § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, but are not limited to: the Board’s claim construction of the term “hardware buffer” as used in claims 1-9 and 12 of U.S. Patent No. 8,838,949; the Board’s determination of unpatentability of claims 1-9, 12, 16, and 17 of U.S. Patent No. 8,838,949 under 35 U.S.C. § 103(a); whether the Board followed and complied with the Federal Circuit’s mandate; whether the Board followed and complied with the Federal Circuit’s directions on remand; whether the Board followed and complied with the Administrative Procedure Act; any finding or determination supporting or related to any of these issues; as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the United States Patent and Trademark Office by way of hand delivery to the following address:

Office of the General Counsel
United States Patent and Trademark Office
10B20, Madison Building East
600 Dulany Street
Alexandria, Virginia 22314

In addition, this Notice of Appeal, along with a copy of the Final Written Decision on Remand, is being filed electronically with the United States Court of Appeals for the Federal Circuit along with the required docketing fees.

Respectfully submitted,

Date: March 22, 2023

/ Joshua R. Nightingale /
Joshua R. Nightingale, Reg. No. 67,865
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219

Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on March 22, 2023, a complete and entire copy of this **PATENT OWNER'S NOTICE OF APPEAL** has been served in its entirety by e-mail on the following counsel of record for petitioner:

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Date: March 22, 2023

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IPR2018-01334¹
Patent 8,838,949 B2

Before TREVOR M. JEFFERSON, DANIEL J. GALLIGAN, and
AARON W. MOORE, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge*
DANIEL J. GALLIGAN.

Opinion Concurring-in-Part and Dissenting-in-Part filed by *Administrative*
Patent Judge AARON W. MOORE.

GALLIGAN, *Administrative Patent Judge*.

JUDGMENT

Final Written Decision on Remand
Determining Challenged Claims Unpatentable
35 U.S.C. § 318(a)

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instant proceeding.

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