

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Intel Corporation,  
Petitioner,

v.

Qualcomm Incorporated,  
Patent Owner.

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Case IPR2018-01334<sup>1</sup>  
U.S. Patent No. 8,838,949

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**PATENT OWNER'S NOTICE OF CROSS-APPEAL**

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<sup>1</sup> 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 cross-appeals to the United States Court of Appeals for the Federal Circuit the Patent Trial and Appeal Board’s Final Written Decision in IPR2018-01334, entered on March 16, 2020 (Paper No. 30) 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 cross-appeal include, but are not limited to, constitutionality of the appointment of the Administrative Patent Judges who presided over this *inter partes* review; determination of unpatentability of claims 10, 11, 13-15, and 18-23 of U.S. Patent No. 8,838,949 under 35 U.S.C. § 103(a); any finding or determination supporting or related to those issues; as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.3, this Notice of Cross-Appeal is timely, having been duly filed within fourteen days after Petitioner’s Notice of Appeal.

Simultaneous with this submission, a paper copy of this Notice of Cross-Appeal is being filed by Express Mail this 28th day of May 2020 with the Director of the United States Patent and Trademark Office at the following address:

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

In addition, this Notice of Cross-Appeal, along with a copy of the Final Written Decision, is being filed electronically this 28th day of May 2020 with the United States Court of Appeals for the Federal Circuit along with the required docketing fees. Per Administrative Order No. 20-01, this Notice of Cross-Appeal is being filed with this Court electronically through CM/ECF only.

Respectfully submitted,

Date: May 28, 2020

/ 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 May 28, 2020, a complete and entire copy of this **PATENT OWNER'S NOTICE OF CROSS APPEAL** has been served in its entirety by e-mail on the following counsel of record for petitioner:

David Cavanaugh  
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Tom Anderson  
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Date: May 28, 2020

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*Counsel for Patent Owner*

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IPR2018-01334<sup>1</sup>  
Patent 8,838,949 B2

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

GALLIGAN, *Administrative Patent Judge*.

JUDGMENT  
Final Written Decision  
Determining Some Challenged Claims Unpatentable  
*35 U.S.C. § 318(a)*

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<sup>1</sup> IPR2018-01335 and IPR2018-01336 have been consolidated with the instant proceeding.

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