

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 AMENDED NOTICE OF CROSS-APPEAL

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

On May 28, 2020, pursuant to 37 C.F.R § 90.2(a), Patent Owner Qualcomm Incorporated (“Qualcomm” or “Patent Owner”) cross-appealed 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 indicated 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, the Notice of Cross-Appeal was timely, having been duly filed within fourteen days after Petitioner’s Notice of Appeal. Likewise, to the extent that same time period governs this Amended Notice of Cross-Appeal, it remains timely filed within that same period.

This Amended Notice of Cross-Appeal is being filed solely in view of issues encountered in filing a paper copy of the Notice of Cross-Appeal with the Director of the United States Patent and Trademark Office (“Director”). Qualcomm

attempted to file the paper copy of the Notice of Cross-Appeal with the Director by mailing it via Express Mail on May 28, 2020. On May 29, 2020, Qualcomm learned that the mailing was rejected by the U.S. Postal Service because the parcel had been inadvertently labeled with an incomplete address. Accordingly, Qualcomm is filing this Amended Notice of Cross-Appeal to reflect complete submission and delivery as required.

In particular, simultaneous with this submission, a paper copy of this Amended Notice of Cross-Appeal, as well as a paper copy of the original Notice of Cross-Appeal, are being filed by hand delivery this 29th day of May 2020 with the Director 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 Amended Notice of Cross-Appeal, along with a copy of the Final Written Decision, is being emailed this 29th day of May 2020 to the United States Court of Appeals for the Federal Circuit. The Notice of Cross-Appeal dated May 28, 2020, was filed electronically with the Federal Circuit on May 28, 2020, along with the required docketing fees. Per Administrative Order No. 20-01, the Notice of Cross-Appeal was filed with the Federal Circuit electronically through CM/ECF only.

Respectfully submitted,

Date: May 29, 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 29, 2020, a complete and entire copy of this **PATENT OWNER'S AMENDED NOTICE OF CROSS APPEAL** has been served in its entirety by e-mail on the following counsel of record for petitioner:

David Cavanaugh
david.cavanaugh@wilmerhale.com

Tom Anderson
tom.anderson@wilmerhale.com

Joseph Haag
joseph.haag@wilmerhale.com

Date: May 29, 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

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