

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,

Petitioner

v.

FG SRC LLC,

Patent Owner

IPR2018-01605¹
Patent No. 7,620,800

**PATENT OWNER FG SRC LLC'S NOTICE OF APPEAL TO THE
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

¹ Proceedings IPR2018-01606 and IPR2018-01607 have been consolidated with this proceeding.

Patent Owner FG SRC LLC hereby gives notice, pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a) and 90.3(a), to the Director of the United States Patent and Trademark Office that it hereby appeals to the United States Court of Appeals for the Federal Circuit from the final written decision of the Patent Trial and Appeal Board under 35 U.S.C. § 318(a) in *Microsoft Corp. v. FG SRC LLC*, IPR2018-01605, dated April 9, 2020, and from all underlying orders, decisions, ruling and opinions adverse to Patent Owner.

The issues on appeal may include one or more of the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or other related issues:

1. That the Board improperly used the broadest reasonable interpretation standard for claim construction;
2. That the Board's claim constructions were improper under both the broadest reasonable interpretation and *Phillips* standards;
3. That the Board improperly placed the burden on Patent Owner to show that "there was a uniform understanding of persons of ordinary skill in the art" before it would consider extrinsic evidence;
4. That claims 1, 15, 18, 21, and 22 of U.S. Patent No. 7,620,800 (the "800 patent") are not anticipated under 35 U.S.C. § 102 by the Splash2

reference (Duncan A. Buell, Jeffrey M. Arnold, & Walter J. Kleinfelder, SPLASH2: FPGAS IN A CUSTOM COMPUTING MACHINE (1996));

5. That claims 1, 15, 18, 21, and 22 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by the Splash2 reference;

6. That claims 8 and 9 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with the RaPiD reference (Carl Ebeling et al., "Mapping Applications to the RaPiD Configurable Architecture," Proceedings of the IEEE Symposium on FPGAs for Custom Computing Machines, Apr. 16–18, 1997, pp. 106–115);

7. That claim 20 of the '800 patent is not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with the Jeong reference (Yong-Jin Jeong & Wayne P. Burleson, "VLSI Array Algorithms and Architectures for RSA Modular Multiplication," IEEE Transactions on Very Large Scale Integration (VLSI) Systems, vol. 5, no. 2, June 1997, pp. 211–217);

8. That claims 7, 17, and 24 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with the Chunky SLD reference (Michael Rencher & Brad L. Hutchings, "Automated Target Recognition on SPLASH 2," Proceedings of the IEEE Symposium on FPGAs for Custom Computing Machines, Apr. 16–18, 1997); and

9. That claims 2–5, 22, and 23 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with Chunky SLD and Roccatano (D. Roccatano et al., “Development of a Parallel Molecular Dynamics Code on SIMD Computers: Algorithm for Use of Pair List Criterion,” *Journal of Computational Chemistry*, vol. 19, no. 7, May 1998, pp. 685–694).

Simultaneous with this submission, a copy of this Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board pursuant to 37 C.F.R. § 90.2(a). A copy of this Notice of Appeal along with the required docketing fees, and a copy of the Decision on Appeal, are being transmitted to the clerk of the court for the Federal Circuit pursuant to Fed. Cir. Rule 15(a)(1).

Date: June 11, 2020

Respectfully submitted,

/s/ Alfonso Chan

Alfonso Chan, Reg. No. 45,964

achan@shorechan.com

Attorney for Patent Owner

FG SRC LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(3)(1), 42.6(e)(4), and 42.25(b), the undersigned certifies that a complete copy of **PATENT OWNER FG SRC LLC'S NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT** was filed electronically through the Patent Trial and Appeal Board's PTAB E2E System and provided, via electronic service, to the Petitioner as follows:

Joseph A. Micallef
jmicallef@sidley.com
Scott M. Border
sborder@sidley.com
SIDLEY AUSTIN LLP
1501 K Street N.W.
Washington, DC 20005

Jason P. Greenhut
jgreenhut@sidley.com
SIDLEY AUSTIN LLP
1 South Dearborn
Chicago, IL 60603

Dated: June 11, 2020

/Alfonso Chan/

Alfonso Chan
Reg. No. 45,964

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.