UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD
ADVANCED MICRO DEVICES, INC.
Petitioner
v.
AQUILA INNOVATIONS INC.
Patent Owner
Case IPR2019-01526 U.S. Patent No. 6,895,519

PATENT OWNER'S PRELIMINARY RESPONSE



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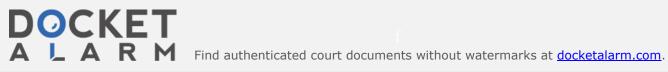


TABLE OF AUTHORITIES

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Federal Cases	
Arthrex, Inc. v. Smith & Nephew, Inc., 2019 U.S. App. LEXIS 32613 (Fed. Cir. Oct. 31, 2019)	39
Bicon, Inc. v. Straumann Co., 441 F.3d 945 (Fed. Cir. 2006)	5, 6
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