

Filed on behalf of: Polaris Innovations Limited

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC.,

Petitioner

v.

POLARIS INNOVATIONS LIMITED,

Patent Owner.

Case IPR2023-00516

U.S. Patent 6,157,589

PATENT OWNER'S PRELIMINARY RESPONSE

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TABLE OF AUTHORITIES

Cases

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<i>Garmin Int’l, Inc. v. Patent of Cuozzo Speed Techs. LLC</i> , Case No. IPR2012-00001 (P.T.A.B. 2013)	14
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966).....	14, 15
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<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	15
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