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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 RESPONSE

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TABLE OF AUTHORITIES

Cases

<i>CFMT, Inc. v. YieldUp Int’l Corp.</i> , 349 F.3d 1333 (Fed. Cir. 2003)	19-20
<i>Continental Can Co. USA, Inc. v. Monsanto Co.</i> , 948 F.2d 1264 (Fed. Cir. 1991)	19
<i>Eizo Corp. v. Barco N.V.</i> , IPR2014-00358, Paper 11 (PTAB July 23, 2014)	20-21
<i>Garmin Int’l, Inc. v. Patent of Cuozzo Speed Techs. LLC</i> , IPR2012-00001, Paper 15 (PTAB Jan. 9, 2013)	20
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966)	19, 20
<i>Hansgirg v. Kemmer</i> , 102 F.2d 212 (CCPA 1939)	19
<i>In re Arkley</i> , 455 F.2d 586 (CCPA 1972)	18
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	21
<i>In re Oelrich</i> , 666 F.2d 578 (CCPA 1981)	19
<i>In re Rijckaert</i> , 9 F.3d 1531 (Fed. Cir. 1993)	20
<i>In re Royka</i> , 490 F.2d 981 (CCPA 1974)	20
<i>InTouch Techs., Inc. v. VGo Comm’ns., Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014)	20
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	20, 21

LG Elecs., Inc. v. Cellular Commc 'ns Equip. LLC,
IPR2016-00197, Paper 7 (PTAB April 29, 2016)21

N.V. v. Abbott Labs.,
512 F.3d 1363 (Fed. Cir. 2008)21

Net MoneyIN, Inc. v. VeriSign, Inc.,
545 F.3d 1359 (Fed. Cir. 2008)18

Rules, Regulations and Statutes

35 U.S.C. § 10218

35 U.S.C. § 10320

35 U.S.C. § 103(a)19

35 U.S.C. 282(b)11

37 C.F.R. § 42.100(b)11

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