

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,

Petitioner,

v.

FG SRC LLC,

Patent Owner.

IPR2020-01449
Patent No. 7,149,867

PATENT OWNER'S NOTICE OF APPEAL

Patent Owner 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 Patent Owner 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 *Intel Corporation v. FG SRC LLC*, IPR2020-01449, dated March 1, 2022, and from all underlying orders, decisions, rulings, and opinions adverse to Patent Owner regarding the following issues:

1. Whether the Board erred in its construction of the challenged claims of U.S. Patent No. 7,149,867 (“’867 Patent”), including failing to construe disputed terms.
2. Whether the Board erred in determining that any of the challenged claims of the ’867 Patent, properly construed, are rendered obvious by the combination of the *Zhang* and *Gupta* references.
3. Whether the Board erred in determining that any of the challenged claims of the ’867 Patent, properly construed, are rendered obvious by the combination of the *Zhang*, *Gupta*, and *Chien* references.
4. Whether the Board erred in denying Patent Owner’s Revised Contingent Motion to Amend, including its determination that Patent Owner did not provide sufficient written description support for the proposed amendments

and its determination that Patent Owner sought to add a “negative limitation” that was not supported by the written specification.

5. Whether the Initial Determination and/or Final Written Decision were invalid, null, and void because they were not properly issued by a principal officer nominated by the President and confirmed by the Senate within the time mandated by statute and, thus, in violation of the U.S. Constitution, Federal Vacancies Reform Act, and 35 U.S.C. §§ 314, 316, and 318.

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, has also be simultaneously transmitted to the clerk of the court for the Federal Circuit pursuant to Fed. Cir. Rule 15(a)(1).

Dated: May 3, 2022

Respectfully submitted,

/s/ Jay P. Kesan

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.25(b), the undersigned certifies that on May 3, 2022, a complete copy of Patent Owner FG SRC LLC's Notice of Appeal was filed electronically through the Patent Trial and Appeal Board's PTABE2E System and provided, via electronic service, to the Petitioner by serving the correspondence address of record.

Dated: May 3, 2022

/s/ Jay P. Kesan
Jay P. Kesan