

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,

Petitioner

v.

HERA WIRELESS S.A.,

Patent Owner

Case IPR2018-01543

Patent No. 8,295,400 B2

PATENT OWNER'S NOTICE OF APPEAL

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Submitted Electronically via PTAB E2E

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22314-5793

Pursuant to 35 U.S.C. §§ 141-44 and 319, and 37 C.F.R. § 90.2-90.3, notice is hereby given that Patent Owner Hera Wireless S.A., and Sisvel UK Limited, appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered March 12, 2020 (Paper 36) in IPR2018-01543, and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 8,295,400 (the “’400 patent”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner states that the issues on appeal may include, but are not limited to, the Board’s denial of Patent Owner’s Motion to Amend to substitute claims 3 and 4 of the ’400 patent, including the Board’s determination that proposed substitute claims 3 and 4 of the ’400 patent have been shown to be unpatentable; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s factual findings, conclusions of law, or other determinations supporting or related to those issues; as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions. The issues on appeal may also include constitutional and Appointments Clause issues implicated by the recent *Arthrex* and *Polaris* cases. See *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 (Fed. Cir. 2019); *Polaris*

Innovations Ltd. v. Kingston Tech. Co., Inc., 792 F. App'x 820 (Fed. Cir. Jan. 31, 2020).

Pursuant to 37 C.F.R. § 90.3(b), this Notice of Appeal is timely, having been duly filed within 63 days after the Final Written Decision entered March 12, 2020.

A copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board, the Director of the U.S. Patent and Trademark Office, the Clerk's Office for the United States Court of Appeals for the Federal Circuit and being served on Petitioners.

Dated: May 13, 2020

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CERTIFICATE OF SERVICE

The undersigned certifies service on May 13, 2020 of the foregoing Patent Owner's Notice of Appeal through the PTAB's E2E system and by USPS First Class Mail to the Director at the following:

Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

The undersigned certifies service of the foregoing Patent Owner's Notice of Appeal, with payment of the docket fee, via the CM/ECF system with the Clerk's Office for the Federal Circuit Court of Appeals.

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of the foregoing Patent Owner's Notice of Appeal via e-mail on Petitioner's counsel of record at the addresses below:

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