

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,

Petitioner

v.

FG SRC LLC,

Patent Owner

IPR2018-01605¹
Patent No. 7,620,800

**PATENT OWNER FG SRC LLC'S NOTICE OF APPEAL TO THE
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

¹ Proceedings IPR2018-01606 and IPR2018-01607 have been consolidated with this proceeding.

Patent Owner FG SRC LLC 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 it 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 *Microsoft Corp. v. FG SRC LLC*, IPR2018-01605, dated April 9, 2020, and from all underlying orders, decisions, ruling and opinions adverse to Patent Owner.

The issues on appeal may include one or more of the following, as well as any underlying findings, determinations, rulings, decisions, opinions, or other related issues:

1. That the Board improperly used the broadest reasonable interpretation standard for claim construction;
2. That the Board's claim constructions were improper under both the broadest reasonable interpretation and *Phillips* standards;
3. That the Board improperly placed the burden on Patent Owner to show that "there was a uniform understanding of persons of ordinary skill in the art" before it would consider extrinsic evidence;
4. That claims 1, 15, 18, 21, and 22 of U.S. Patent No. 7,620,800 (the "800 patent") are not anticipated under 35 U.S.C. § 102 by the Splash2

reference (Duncan A. Buell, Jeffrey M. Arnold, & Walter J. Kleinfelder, SPLASH2: FPGAS IN A CUSTOM COMPUTING MACHINE (1996));

5. That claims 1, 15, 18, 21, and 22 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by the Splash2 reference;

6. That claims 8 and 9 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with the RaPiD reference (Carl Ebeling et al., "Mapping Applications to the RaPiD Configurable Architecture," Proceedings of the IEEE Symposium on FPGAs for Custom Computing Machines, Apr. 16–18, 1997, pp. 106–115);

7. That claim 20 of the '800 patent is not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with the Jeong reference (Yong-Jin Jeong & Wayne P. Burleson, "VLSI Array Algorithms and Architectures for RSA Modular Multiplication," IEEE Transactions on Very Large Scale Integration (VLSI) Systems, vol. 5, no. 2, June 1997, pp. 211–217);

8. That claims 7, 17, and 24 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with the Chunky SLD reference (Michael Rencher & Brad L. Hutchings, "Automated Target Recognition on SPLASH 2," Proceedings of the IEEE Symposium on FPGAs for Custom Computing Machines, Apr. 16–18, 1997); and

9. That claims 2–5, 22, and 23 of the '800 patent are not rendered obvious under 35 U.S.C. § 103 by Splash2 in combination with Chunky SLD and Roccatano (D. Roccatano et al., “Development of a Parallel Molecular Dynamics Code on SIMD Computers: Algorithm for Use of Pair List Criterion,” *Journal of Computational Chemistry*, vol. 19, no. 7, May 1998, pp. 685–694).

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, are being transmitted to the clerk of the court for the Federal Circuit pursuant to Fed. Cir. Rule 15(a)(1).

Date: June 11, 2020

Respectfully submitted,

/s/ Alfonso Chan

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Attorney for Patent Owner

FG SRC LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(3)(1), 42.6(e)(4), and 42.25(b), the undersigned certifies that a complete copy of **PATENT OWNER FG SRC LLC'S NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT** was filed electronically through the Patent Trial and Appeal Board's PTAB E2E System and provided, via electronic service, to the Petitioner as follows:

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Dated: June 11, 2020

/Alfonso Chan/

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CERTIFICATE OF FILING

I hereby certify that the foregoing **PATENT OWNER FG SRC LLC'S NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT** is being filed pursuant to 37 CFR §§ 90.2 and 104.2 by certified mail on this 11th day of June, 2020 as follows:

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

I hereby certify that the foregoing **PATENT OWNER FG SRC LLC'S NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**, and the required filing fee, is being filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF.

/s/ Alfonso Chan _____

Alfonso Chan

Reg. No. 45,964

Attorney for Patent Owner