

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION.,
Petitioner

v.

HERA WIRELESS S.A.,
Patent Owner

Case IPR2018-01701
Patent No. 7,454,234 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 April 29, 2020 (Paper 25) in IPR2018-01701 (Exhibit A), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 7,454,234 (the “’234 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 determination that claims 1–4 of the ’234 patent have been shown to be unpatentable and the Board’s denial of Patent Owner’s Motion to Amend to substitute claims 5–8 of the ’234 patent on the basis that proposed substitute claims 5–8 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 April 29, 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 served on Petitioners.

Dated: June 15, 2020

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin
Timothy Devlin
Registration No. 41,706
1526 Gilpin Avenue
Wilmington, DE 19806
(302)-449-9010
TD-PTAB@devlinlawfirm.com
Attorney for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2020, I caused a true and correct copy of the foregoing materials to be served via the Patent Office electronic filing system, and electronic service via email to the following attorneys of record pursuant to Petitioner's consent.

<u>LEAD COUNSEL</u>	<u>BACKUP COUNSEL</u>
Tyler R. Bowen USPTO Reg. No. 60,461 PERKINS COIE LLP 2901 N. Central Ave., Suite 2000 Phoenix, Arizona 85012 Phone: (602) 351-8000 tbowen@perkinscoie.com	Chad Campbell (<i>Pro Hac</i> to be submitted) Bryan Banks (#52,588) Nathan Roger Kassebaum (<i>Pro Hac</i> to be submitted) PERKINS COIE LLP 2901 N. Central Ave., Suite 2000 Phoenix, Arizona 85012 Phone: (602) 351-8000 cscampbell@perkinscoie.com bbanks@perkinscoie.com nkassebaum@perkinscoie.com

/s/ Timothy Devlin
Timothy Devlin