

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NVIDIA CORPORATION,
Petitioner

v.

POLARIS INNOVATIONS LIMITED,
Patent Owner

Case No. IPR2017-00901
Patent No. 7,405,993

PATENT OWNER'S AMENDED NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141(c) and 319 and the February 10, 2022 order from the United States Court of Appeals for the Federal Circuit (CM/ECF Dkt. # 87), the patent owner, Polaris Innovations Limited (“Polaris”) hereby provides this *amended* notice of appeal. Polaris intends to continue its appeal (no. 2019-1484) at the court following the recent limited remand for the purpose of Director rehearing pursuant to *United States v. Arthrex, Inc.*, 141 S. Ct. 1970 (2021).

In particular, Polaris continues to appeal from the Final Written Decision entered by the Patent Trial and Appeal Board on December 19, 2018 (Paper 45, copy attached) and from all underlying orders, decisions, rulings and opinions. In addition, Polaris now gives notice that it wishes to appeal from (1) the January 14, 2022 decision (Paper 54, “Rehearing Decision,” copy attached) of Andrew Hirshfeld, Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, denying Polaris’s request for Director rehearing and (2) the Board’s refusal to grant the parties’ joint motion to terminate (Paper 48) following the parties’ settlement.

This notice of appeal is timely filed within seven days of the court’s February 10, 2022 order.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Polaris indicates that the issues on appeal include (1) all of the issues identified in Polaris’s original notice of appeal

filed January 25, 2019 (Paper 4) except the constitutionality of the appointments of the Board judges who rendered the Final Written Decision and (2) the Board's refusal to grant the parties' joint motion to terminate and the Board's failure to terminate this *inter partes* review after the parties settled this case.

Polaris's original notice of appeal, which is incorporated by reference herein, noted, *inter alia*, the following issues for appeal:

- (A) The Board's determinations of unpatentability of claims 2-6 of U.S. Patent No. 7,405,993, including the determinations that (1) claims 2-6 are unpatentable under 35 U.S.C. § 103 as obvious over LaBerge (U.S. Patent Appl. Publ. No. 2005/0177690, Ex. 1005) in view of Bhakta (U.S. Patent Appl. Publ. No. 2005/0281096, Ex. 1010), (2) claims 2 and 4 are unpatentable under 35 U.S.C. § 103 as obvious over Kinsley (U.S. Patent Appl. Publ. No. 2006/0044860, Ex. 1006) in view of Swanson (U.S. Patent Appl. Publ. No. 2003/0046507, Ex. 1007), and (3) claims 2-4 are unpatentable under 35 U.S.C. § 103 as obvious over Kinsley in view of Swanson and further in view of Stave (U.S. Patent Appl. Publ. No. 2005/0283671, Ex. 1011);
- (B) The Board's interpretations of claims 1 and 2 of the '993 Patent, including by way of example and not limitation, the phrases "memory chips," "semiconductor memory component," and "wherein the

semiconductor memory component comprises a plurality of memory chips”; and

- (C) The Board’s determinations that the references, particularly LaBerge, Bhakta, and Kinsley, disclose the recited semiconductor memory component comprising a plurality of memory chips.

Polaris also objects to the Director participating in this appeal as an intervenor regarding the patentability issues (A)-(C) above for lack of constitutional standing.

Respectfully submitted,

Date: 2022 Feb. 17

By: / M.C. Phillips /

Matthew C. Phillips
Registration No. 43,403
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on February 17, 2022, copies of the foregoing PATENT OWNER'S AMENDED NOTICE OF APPEAL and all documents filed with it were served via electronic mail, as agreed to by counsel, upon the following counsel for the Petitioner:

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