

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

INTEL CORPORATION,
Appellant

**ANDREW HIRSHFELD, PERFORMING THE
FUNCTIONS AND DUTIES OF THE UNDER
SECRETARY OF COMMERCE FOR
INTELLECTUAL PROPERTY AND DIRECTOR OF
THE UNITED STATES PATENT AND TRADEMARK
OFFICE,**
Intervenor

v.

QUALCOMM INCORPORATED,
Cross-Appellant

2020-2240, 2020-2242, 2020-2295, 2020-2296

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2019-
00048, IPR2019-00049.

Decided: March 24, 2022

GREGORY H. LANTIER, Wilmer Cutler Pickering Hale
and Dorr LLP, Washington, DC, argued for appellant. Also

represented by DAVID LANGDON CAVANAUGH, CLAIRE HYUNGYO CHUNG, THOMAS SAUNDERS; BENJAMIN S. FERNANDEZ, Denver, CO; JAMES M. LYONS, Boston, MA.

MAUREEN DONOVAN QUELER, Office of the Solicitor, United States Patent and Trademark Office, Alexandria, VA, argued for intervenor. Also represented by SARAH E. CRAVEN, THOMAS W. KRAUSE, FARHEENA YASMEEN RASHEED.

ISRAEL SASHA MAYERGOYZ, Jones Day, Chicago, IL, argued for cross-appellant. Also represented by THOMAS W. RITCHIE; ROBERT BREETZ, DAVID B. COCHRAN, JOSEPH M. SAUER, Cleveland, OH; KELLY HOLT, New York, NY; JENNIFER L. SWIZE, Washington, DC.

Before NEWMAN, REYNA, and CHEN, *Circuit Judges*.

REYNA, *Circuit Judge*.

Appellant Intel Corporation appeals two final written decisions by the Patent Trial and Appeal Board concluding that Intel did not meet its burden to show certain claims of U.S. Patent No. 9,154,356 are unpatentable as anticipated or obvious. Initially, Intel filed five petitions for inter partes review challenging the same claims of the '356 Patent on different grounds. *See* Appellee's Br. 11–12. The Board concluded in each inter partes review that Intel failed to show unpatentability of the challenged claims. *See id.* The above-captioned appeals stem from two of those final written decisions. J.A. 1–64.

In the above-captioned appeals, Intel contends that claims 1–8, 10–11, and 17–18 of the '356 Patent are

unpatentable.¹ Appellant's Br. 15. Notably, in another of Intel's appeals, we determined that claims 1–8, 10–11, and 17–18 of the '356 Patent are unpatentable as obvious. *Intel Corp. v. Qualcomm Inc.*, No. 20-2092 (Fed. Cir. 2022). Accordingly, the present appeals are moot. *See BTG Int'l Ltd. v. Amneal Pharms. LLC*, 923 F.3d 1063, 1076–77 (Fed. Cir. 2019) (concluding the claims at issue were unpatentable as obvious and consequently dismissing other appeals challenging the same claims). Intel's appeals of IPR2019-00048 and IPR2019-00049, and Qualcomm's cross-appeals, are hereby dismissed as moot.

DISMISSED

COSTS

No costs.

¹ Intel also challenged the patentability of claim 9 in its petition for inter partes review, but claim 9 is not at issue here because Qualcomm disclaimed claim 9. Appellant's Br. 15 n.2; J.A. 3049–52.