

NOTE: This order is nonprecedential.

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

INTEL CORPORATION, CAVIUM, LLC, DELL, INC.,
Appellants

v.

ALACRITECH, INC.,
Cross-Appellant

UNITED STATES,
Intervenor

2019-1443, -1447, -1449, -1450

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2017-01405, IPR2017-01735, and IPR2018-00336.

ALACRITECH, INC.,
Appellant

v.

**INTEL CORPORATION, CAVIUM, LLC, DELL, INC.,
WISTRON CORPORATION,**
Appellees

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INTEL CORPORATION v. ALACRITECH, INC.

UNITED STATES,
Intervenor

2019-1444, -1445, -1466

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2017-01391, IPR2017-01392, IPR2017-01406, IPR2017-01707, IPR2018-00329, and IPR2018-00375.

ALACRITECH, INC.,
Appellant

v.

INTEL CORPORATION, CAVIUM, LLC, DELL INC.,
Appellees

UNITED STATES,
Intervenor

2019-1464

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2017-01393, IPR2017-01714, and IPR2018-00374.

ALACRITECH, INC.,
Appellant

v.

INTEL CORPORATION v. ALACRITECH, INC.

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INTEL CORPORATION, CAVIUM, LLC, DELL, INC.,
Appellees

UNITED STATES,
Intervenor

2019-1467, -1468

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2017-01409, IPR2017-01410, IPR2017-01736, IPR2017-01737, IPR2018-00338, and IPR2018-00339.

PER CURIAM.

O R D E R

In its opening briefs in each of the above appeals and cross-appeals, Alacritech, Inc. argues that the final written decisions at issue in these appeals exceed the scope of the Patent Trial and Appeal Board's authority and violate the Constitution's Appointments Clause. In light of *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d 1320 (Fed. Cir. 2019), the court now vacates the Board decisions and remands for proceedings consistent with this court's decision in *Arthrex*. On remand, the Board may also wish to consider *Samsung Electronics America, Inc. v. Prisia Engineering Corp.*, 948 F.3d 1342 (Fed. Cir. 2020).

Accordingly,

IT IS ORDERED THAT:

(1) The Patent Trial and Appeal Board's decisions are vacated, and the cases are remanded to the Board for proceedings consistent with *Arthrex* and this order.

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INTEL CORPORATION v. ALACRITECH, INC.

(2) Each side shall bear its own costs.

FOR THE COURT

February 20, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court