

NOTE: This order is nonprecedential.

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

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

v.

**ALACRITECH, INC.,**  
*Cross-Appellant*

**UNITED STATES,**  
*Intervenor*

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

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

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**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*

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2019-1444, -1445, -1466

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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.

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**ALACRITECH, INC.,**  
*Appellant*

v.

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

**UNITED STATES,**  
*Intervenor*

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2019-1464

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

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**ALACRITECH, INC.,**  
*Appellant*

v.

INTEL CORPORATION v. ALACRITECH, INC.

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

**UNITED STATES,**  
*Intervenor*

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2019-1467, -1468

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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.

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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. Prisua 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