

NOTE: This disposition is nonprecedential.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.

**ON PETITIONS FOR PANEL REHEARING AND
REHEARING EN BANC**

Before PROST, *Chief Judge*, NEWMAN, MAYER*, LOURIE,
DYK, MOORE, O'MALLEY, REYNA, WALLACH, TARANTO,
CHEN, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

O R D E R

Intel Corporation; Cavium, LLC; and Dell, Inc. (collectively, "Intel") and Alacritech, Inc. separately filed combined petitions for panel rehearing and rehearing en banc or a petition for panel rehearing in the above-captioned appeals. Alacritech and Intel also jointly moved to allow Alacritech to withdraw its Appointments Clause challenge and proceed on the merits if the en banc petitions are denied.

* Circuit Judge Mayer participated only in the decision on the petitions for panel rehearing.

The petitions for rehearing and motions were referred to the panel that heard the appeals, and thereafter to the circuit judges in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Alacritech's petitions for panel rehearing are granted to the extent that the February 20, 2020 orders and judgments are vacated, the panel's March 9, 2020 order denying rehearing in 2019-1443 et al. is vacated, Alacritech is permitted to withdraw and permanently waive its Appointments Clause challenge, and the above-captioned appeals shall be calendared and randomly assigned to a merits panel in the usual course.

(2) Intel's petitions for panel rehearing are denied.

(3) The petitions for rehearing en banc are denied.

(4) The joint motions are denied as moot.

FOR THE COURT

April 30, 2020

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court