

NOTE: This order is nonprecedential.

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

QUALCOMM INCORPORATED,
Appellant

v.

INTEL CORPORATION,
Cross-Appellant

2020-1587, -1588, -1654

Appeals from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2018-01152 and IPR2018-01153.

ON MOTION

O R D E R

Apple Inc. moves for leave to intervene in these appeals and for a protective order. Qualcomm Incorporated opposes intervention. Qualcomm also moves unopposed to file under seal in order to redact similar confidential information in its opposition.

Apple has not shown intervention is warranted here. Apple contends that its interest in this matter would not

be adequately represented by Intel Corporation if the court were to determine that Intel lacked standing. But Qualcomm has not challenged standing in these appeals. Moreover, Apple failed to timely file its motion to intervene and did not attempt to join or participate in the underlying proceedings in any way. *See In re Opprecht*, 868 F.2d 1264, 1265 (Fed. Cir. 1989); *In re Purdue Pharma L.P.*, No. 2018-1285, slip op. at 4 (Fed. Cir. Apr. 18, 2018) (order denying intervention on appeal by a real party-in-interest to an IPR who “could have joined or participated in the IPR proceedings but made no effort to do so”).

Accordingly,

IT IS ORDERED THAT:

- (1) Apple’s motion to intervene is denied without prejudice to Apple moving for leave to file an *amicus* brief.
- (2) The parties’ motions for a protective order and to file under seal are granted to the extent that access to the confidential versions of the motions papers shall be limited to the court and outside counsel.

FOR THE COURT

August 27, 2020
Date

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