

NOTE: This order is nonprecedential.

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

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**APPLE INC.,**  
*Appellant*

v.

**OPTIS CELLULAR TECHNOLOGY, LLC,**  
*Appellee*

**ANDREI IANCU, Under Secretary of Commerce for  
Intellectual Property and Director of the United  
States Patent and Trademark Office,**  
*Intervenor*

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2021-1043

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2020-  
00465.

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**APPLE INC.,**  
*Appellant*

v.

**OPTIS WIRELESS TECHNOLOGY, LLC,**  
*Appellee*

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APPLE INC. v. OPTIS CELLULAR TECHNOLOGY, LLC

**ANDREI IANCU, Under Secretary of Commerce for  
Intellectual Property and Director of the United  
States Patent and Trademark Office,**  
*Intervenor*

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2021-1044

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2020-  
00466.

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**APPLE INC.,**  
*Appellant*

v.

**UNWIRED PLANET INTERNATIONAL LIMITED,**  
*Appellee*

**ANDREI IANCU, Under Secretary of Commerce for  
Intellectual Property and Director of the United  
States Patent and Trademark Office,**  
*Intervenor*

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2021-1046

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Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. IPR2020-  
00642.

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**ON MOTION**

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Before PROST, *Chief Judge*, LOURIE and CHEN, *Circuit Judges*.

LOURIE, *Circuit Judge*.

### **O R D E R**

Apple Inc. appeals from the Patent Trial and Appeal Board's decisions denying its petitions to institute *inter partes* review ("IPR") after concluding that such review would not be a proper use of resources given parallel district court proceedings. Apple alternatively seeks a writ of mandamus to review those decisions. The Director of the United States Patent and Trademark Office informs the court that he exercises the right under 35 U.S.C. § 143 to intervene, which the court construes as a motion for leave to file the notice of intervention out of time, *see* Fed. R. App. P. 15(d), and files a response urging dismissal.

In response to this court's October 29, 2020 show cause order, Apple reiterates the same arguments in favor of jurisdiction and mandamus that this court recently considered and rejected in *Apple Inc. v. Maxell, Ltd.*, No. 20-2132, slip op. at 2 (Fed. Cir. Oct. 30, 2020) and more generally in *Cisco Systems Inc. v. Ramot at Tel Aviv University Ltd.*, Appeal Nos. 2020-2047, -2049 (Fed. Cir. Oct. 30, 2020). For the same reasons set forth in those decisions, we conclude that this court lacks jurisdiction over Apple's appeals and must deny Apple's requests for mandamus.

Accordingly,

IT IS ORDERED THAT:

- (1) The Director's motion to intervene is granted. The Director is added as an intervenor and the revised official captions are reflected above.
- (2) The appeals are dismissed.
- (3) The requests for mandamus are denied.

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(4) Each side shall bear its own costs.

FOR THE COURT

December 21, 2020  
Date

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

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