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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHARMATECH SOLUTIONS, INC.
Petitioner

v.

LIFESCAN SCOTLAND LTD.
Patent Owner

Case IPR2013-00247
Patent 7,250,105

LIFESCAN SCOTLAND LTD.'S NOTICE OF APPEAL

and 142, and 37 C.F.R. §§ 90.2(a) and 90.3(a), of its appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”), entered on August 6, 2014 (Paper No. 27), and from all of the Board’s orders, decisions, rulings, and opinions underlying its Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), LifeScan anticipates that the issues on appeal may include, but are not limited to, (1) the Board’s decision to institute review; (2) whether the Board erred in holding claims 1-3 of the ’105 Patent unpatentable under 35 U.S.C. § 103(a), including whether (a) the Board misapplied the burden of proof in its obviousness analysis, (b) the Board’s failure to properly consider LifeScan’s unrebutted evidence, and (c) whether the Board erred in its analysis of the objective evidence of nonobviousness; and, (3) any other finding or determination supporting or related to the foregoing issues, as well as other issues decided adversely to LifeScan in any orders, decisions, rulings, or opinions.

Respectfully submitted,

Date: October 2, 2014

Dianne B. Elderkin

Dianne B. Elderkin
Registration No. 28,598
Steven D. Maslowski
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Counsel for Patent Owner

Board through the Board's Patent Review Processing System, the original

foregoing Notice of Appeal was served by hand with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
Office of the General Counsel
10B20, Madison Building East
600 Dulany St.
Alexandria, VA

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 90.2(a)(2) and Federal Circuit Rule 15(a)(1), the undersigned hereby certifies that on October 2, 2014, the requisite fee for the appeal and three (3) copies of the foregoing Notice of Appeal were served by hand on the Clerk of Court of the United States Court of Appeals for the Federal Circuit at the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Room 401
Washington, DC 20439

Appeal was served on counsel of record for Petitioner Pharmatech Solutions, Inc. on October 2, 2014, by filing this document through the Patent Review Processing System, as well as delivering a copy via overnight mail to the counsel of record for Petitioner at the following address:

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Date: October 2, 2014

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