

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**COALITION FOR AFFORDABLE DRUGS VI, LLC,
Petitioner**

v.

**CELGENE CORPORATION,
Patent Owner**

**Case IPR2015-01096
Patent No. 6,315,720**

PATENT OWNER CELGENE CORPORATION'S NOTICE OF APPEAL

Office of the General Counsel
Patent and Trademark Office
Madison East
10B20 600 Dulany Street
Alexandria, VA 22314

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner Celgene Corporation (“Celgene”) appeals under 35 U.S.C. §§ 141 and 142 to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on October 26, 2016 (Paper No. 73) (“Final Written Decision”), modified in part by the Decision Granting Patent Owner’s Request for Rehearing entered on September 8, 2017 (Paper No. 76) (“Rehearing Decision”), and all underlying orders, decisions, rulings, and opinions. Copies of the Final Written Decision and the Rehearing Decision are attached. This appeal concerns the same patent claims as those at issue in the appeals of IPR Nos. 2015-01102 and 2015-01103, which are being filed concurrently.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Celgene further indicates that the issues on appeal are: (1) the correctness of the determination that claims 1-9 and 11-32 of U.S. Patent 6,315,720 are unpatentable, and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Celgene in any orders, decisions, rulings, and opinions; and (2) whether the Patent and Trademark Office may constitutionally void patents

consistent with Article III and the Seventh Amendment of the United States Constitution.

Copies of this Notice of Appeal are being filed simultaneously with the Director, the Board, and the Clerk of the United States Court of Appeals for the Federal Circuit, along with the filing fee to the Federal Circuit.

Dated: November 6, 2017

Respectfully submitted,

/s/ Gregory A. Castanias

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CERTIFICATE OF FILING

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's E2E, the foregoing "Patent Owner Celgene Corporation's Notice of Appeal" was filed by on this sixth day of November, 2017, with the Director of the United States Patent and Trademark Office, by hand delivery at the following address:

Office of the General Counsel
Patent and Trademark Office
Madison East
10B20 600 Dulany Street
Alexandria, VA 22314

CERTIFICATE OF FILING

I hereby certify that a true and correct copy of the foregoing "Patent Owner Celgene Corporation's Notice of Appeal," along with the required \$500 filing fee, was filed electronically by CM/ECF on this sixth day of November, 2017, with the United States Court of Appeals for the Federal Circuit, and that a paper copy of the foregoing "Patent Owner Celgene Corporation's Notice of Appeal" was hand-delivered to the Federal Circuit's Clerk's Office at the following address:

Office of the Clerk
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W., Suite 401
Washington, D.C. 20439

EXHIBIT A

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