

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS X LLC,
Petitioner,

v.

ANACOR PHARMACEUTICALS, INC.,
Patent Owner.

Case No. IPR2015-01776
Patent No. 7,582,621

PATENT OWNER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. §§ 141 & 142 and 37 C.F.R. § 90.2(a), Patent Owner, Anacor Pharmaceuticals, Inc., hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision, entered February 23, 2017 (Paper 70), and from all underlying orders, decisions, rulings, and opinions related to Claim 6 of U.S. Patent No. 7,582,621 (“the ’621 Patent”) entered in the above captioned proceeding before the Patent Trial and Appeal Board (“Board”).


For the limited purpose of providing the Director of the United States Patent and Trademark Office with the information requested under 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner submits that the appeal will address all aspects of the Board’s decision concluding that Petitioner has demonstrated, by a preponderance of the evidence, that Claim 6 of the ’621 Patent is unpatentable. In particular, but without limitation, this appeal will address issues including the level of ordinary skill in the art; the proper interpretation of the cited prior art (Austin, Brehove, and Freeman); the weight given to the evidence of record, including expert testimony; the alleged motivation to combine asserted references with a reasonable expectation of success; and the proper application of the legal doctrine of obviousness, as annunciated by *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007). Patent Owner further reserves the right to challenge any finding or determination supporting or relating to the issues listed above and to

challenge any other issues decided against Patent Owner in any order, decision, ruling, or opinion by the Board in the above captioned proceeding.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2(a) & 90.3(a), this Notice is being timely filed with the Director of the United States Patent and Trademark Office within 63 days of the Board's Final Written Decision, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice is being filed with the Clerk of the United States Court of Appeals for the Federal Circuit, along with an electronic copy of the Notice and the required docketing fee of \$500, which are being served electronically on the Court by CM/ECF and pay.gov.

Date: April 24, 2017

Respectfully submitted,

By 
Andrea G. Reister

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CERTIFICATE OF SERVICE

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End (PTAB E2E) system, the foregoing Patent Owner's Notice of Appeal was filed by hand delivery on this 24th day of April, 2017, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, Virginia 22314

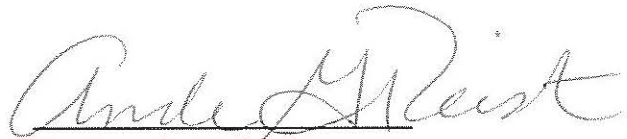
I also hereby certify that a true and correct copy of the above-captioned Patent Owner's Notice of Appeal and the applicable filing fee is being filed via the electronic filing system, CM/ECF, and pay.gov, with the Clerk of the United States Court of Appeals for the Federal Circuit on this 24th day of April, 2017, and one true and correct paper copy of the foregoing was filed by hand delivery on this 24th day of April, 2017 with the Clerk of the United States Court of Appeals for the Federal Circuit, at the following address:

Hon. Peter R. Marksteiner, Circuit Executive and Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW, Suite 401
Washington, DC 20439

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on this 24th day of April, 2017, the foregoing Patent Owner's Notice of Appeal was served via electronic mail, by agreement of the parties, on the following counsel of record for Petitioner:

Jeffrey D. Blake
Kathleen E. Ott
Peter A. Gergely
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Date: April 24, 2017



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