

Filed on behalf of Alembic Pharmaceuticals, Ltd.

By: Jeffer Ali

Iain A. McIntyre

CARLSON, CASPERS, VANDENBURGH, LINDQUIST & SCHUMAN, P.A.

225 South Sixth St., Suite 4200

Minneapolis, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC, MYLAN PHARMACEUTICALS
INC., BRECKENRIDGE PHARMACEUTICAL, INC., AND ALEMBIC
PHARMACEUTICALS, LTD.,
Petitioners,

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.,
Patent Owner.

Case No. IPR2016-00204¹

Patent No. RE38,551

**PETITIONER ALEMBIC PHARMACEUTICALS, LTD.'S
NOTICE OF APPEAL**

¹ Case IPR2016-01101, Case IPR2016-01242, and Case IPR2016-01245 have been
joined with this proceeding.

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. §§ 141(c), 142, and 319, Alembic Pharmaceuticals, Ltd. (“Petitioner”) respectfully gives notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision entered on March 22, 2017 (Paper 85), and from all other underlying orders, decisions, rulings, and opinions.

For the limited purpose of providing the Director of the United States Patent and Trademark Office with the information specified in 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include the Board’s determination that Petitioners did not establish that claims 1-13 of U.S. Patent No. RE38,551 are unpatentable under 35 U.S.C. § 103 in view of the grounds of unpatentability on which trial was instituted (Paper 19) or which were asserted in the petition. The issues on appeal also include any finding or determination supporting or related to these issues, as well as all other issues decided adversely to Petitioners in any order, decision, ruling, or opinion.

Simultaneous with this filing and in accordance with 37 C.F.R. § 90.2(a)(1), this Notice of Appeal is being filed with the Director and served on Patent Owner in accordance with 37 C.F.R. § 42.6(e). This Notice of Appeal, along with the required fees, is also being filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit in accordance with Fed. Cir. R. 15(a)(1).

Case IPR2016-00204
U.S. Patent No. RE38,551 E

Dated: May 24, 2017

Respectfully submitted,

s/ Jeffer Ali /

Jeffer Ali, Lead Counsel

Reg. No. 46,359

CARLSON, CASPERS, VANDENBURGH,

LINDQUIST & SCHUMAN, P.A.

225 South Sixth Street, Suite 4200

Minneapolis, MN 55402

Tel: (612) 436-9600

Fax: (612) 436-9605

jali@carlsoncaspers.com

*Attorney for Petitioner Alembic
Pharmaceuticals, Ltd.*

CERTIFICATES OF FILING AND SERVICE

I hereby certify that the foregoing PETITIONER ALEMBIC PHARMACEUTICALS, LTD.'S NOTICE OF APPEAL was filed by Priority Mail Express® on this 24th day of May, 2017, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, Virginia 22313-1450

And with the Board, at the following address:

Mail Stop PATENT BOARD,
Patent Trial and Appeal board,
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

and with the Board electronically through E2E.

I hereby certify that a true and correct copy of the foregoing PETITIONER ALEMBIC PHARMACEUTICALS, LTD.'S NOTICE OF APPEAL was filed electronically by CM/ECF, and by Priority Mail Express® on this 24th day of May, 2017, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

Case IPR2016-00204
U.S. Patent No. RE38,551 E

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing Notice of Appeal on the Patent Owner at the correspondence address of the Patent Owner as follows:

Andrea G. Reister (areister@cov.com)
Jennifer L. Robbins (jrobbins@cov.com)
Enrique D. Longton (elongton@cov.com)
COVINGTON & BURLING LLC

And to counsel for Petitioners as follows:

IPR2016-00204
Matthew Dowd (mjdowd@dowdpllc.com)
DOWD PLLC
William G. Jenks (wjenks@jenksiplaw.com)
JENKS IP LAW

IPR2016-01101
Steven W. Parmelee (sparmelee@wsgr.com)
Michael T. Rosato (mrosato@wsgr.com)
Jad A. Mills (jmills@wsgr.com)
WILSON SONSINI GOODRICH & ROSATI

IPR2016-01242
Matthew L. Fedowitz (mfedowitz@merchantgould.com)
Daniel R. Evan (devans@merchantgould.com)
MERCHANT & GOULD P.C.

Dated: May 24, 2017

s/ Jeffer Ali /
Jeffer Ali, Lead Counsel
Reg. No. 46,359

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