

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 BRECKENRIDGE PHARMACEUTICAL, INC.'S
NOTICE OF APPEAL**

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

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

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. §§ 141(c), 142, and 319, Breckenridge Pharmaceutical, Inc. (“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 No. IPR2016-00204
U.S. Patent No. RE38,551

Respectfully Submitted,

Dated: May 24, 2017

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

CERTIFICATES OF FILING AND SERVICE

I hereby certify that the foregoing Notice of Appeal was filed by hand delivery 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
10B20
Madison Building East
600 Dulany Street
Alexandria, Virginia 22313-1450

and with the Board, at the following address:

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

and with the Board via electronic mail addressed to trials@uspto.gov

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was filed electronically by CM/ECF on this 24th day of May, 2017, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

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

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:

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