

Filed on behalf of: Aventis Pharma S.A.

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN LABORATORIES LIMITED

Petitioner,

v.

AVENTIS PHARMA S.A.

Patent Owner.

Case IPR2016-00712
U.S. Patent No. 8,927,592

PATENT OWNER'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. § 142, that Patent Owner Aventis Pharma S.A. (“Aventis”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“Board”) in Case IPR2016-00712 entered on September 21, 2017 (Paper 99) (“Final Written Decision”), and from all underlying orders, decisions, rulings and opinions, including without limitation the Decision Instituting *Inter Partes* Review entered on September 22, 2016 (Paper 9) (“Institution Decision”).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Aventis indicates that the issues on appeal are: the Board’s determination of unpatentability of claims 21 and 30 of U.S. Patent No. 8,927,592 (“the ’592 patent”) under 35 U.S.C. § 103, including the Board’s determination and application of its construction of terms in those claims; the Board’s denial of Patent Owner’s Contingent Motion to Amend claims 27-30 with proposed substitute claims 31-34, including the Board’s determination and application of its construction of terms in proposed substitute claims 31-34; the constitutionality of the *inter partes* review proceeding as raised in *Oil States Energy Services, LLC v. Greene’s Energy Group*, 639 F. App’x 639 (Fed. Cir. May 4, 2016) *cert. granted*, 85 U.S.L.W. 3578 (U.S. June 12, 2017) (No. 16-712) that the Board’s findings in this proceeding and this proceeding itself violate due process; and any finding or determination supporting or related to these

issues, as well as all other issues decided adversely to Aventis in any orders, decisions, rulings and opinions, all of which, taken together or independently, caused prejudicial harm to Aventis related to these issues.

Simultaneous with this submission to the Director of the United States Patent and Trademark Office, a copy of this Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with the required docketing fee.

November 17, 2017

Respectfully submitted,

/Dominick A. Conde/

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Aventis Pharma S.A.*

CERTIFICATE OF FILING

I certify that the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed electronically through the PTAB E2E System, and the original version was served by Priority Mail Express on November 17, 2017 with the Director of the United States Patent and Trademark Office, at the following address:

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

CERTIFICATE OF FILING

I certify that a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL, along with the required \$500 filing fee, was filed electronically by CM/ECF on November 17, 2017, and that a paper copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was filed by Priority Mail Express with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, at the following address:

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

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), I certify that a true and correct copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was served on

November 17, 2017 by causing it to be sent by email to counsel for Petitioner at the following email addresses:

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