

Paper No. \_\_\_\_  
Date Filed: December 19, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WOCKHARDT BIO AG,  
Petitioner,

v.

JANSSEN ONCOLOGY, INC.  
Patent Owner.

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Case IPR2016-01582  
Patent 8,822,438 B2

**PATENT OWNER'S NOTICE OF APPEAL**

IPR2016-01582

U.S. Patent 8,822,438

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a) and 90.3, and 35 U.S.C. § 141 and 142, that Patent Owner Janssen Oncology, Inc., (“Janssen”) 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 IPR2016-01582 entered on January 17, 2018 (Paper No. 72) (“Final Written Decision”), from the decision denying Patent Owner’s Request for Rehearing entered on December 3, 2018 (Paper No. 76), and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Janssen indicates that the issues on appeal include, but are not limited to: the Board’s determination of unpatentability of claims 1-20 of U.S. Patent No. 8,822,438 (the “438 patent”) under 35 U.S.C. § 103, and any finding or determination supporting or related to this issue, as well as all other issues decided adversely to Janssen in any orders, decisions, rulings and opinions.

Janssen is filing one copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office, and a copy of this Notice of Appeal is being filed electronically with the 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.

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U.S. Patent 8,822,438  
December 19, 2018

Respectfully submitted,

By: /Dianne B. Elderkin/

Dianne B. Elderkin (Reg. No. 28,598)  
delderkin@akingump.com

Barbara L. Mullin (Reg. No. 38,250)  
bmullin@akingump.com

Ruben H. Munoz (Reg. No. 66,998)  
rmunoz@akingump.com

AKIN GUMP STRAUSS HAUER &  
FELD LLP

Two Commerce Square  
2001 Market Street, Suite 4100  
Philadelphia, PA 19103

Tel: (215) 965-1200

Fax: (215) 965-1210

JANS-ZYTIGA@akingump.com

David T. Pritikin (pro hac vice)  
dpritikin@sidley.com

Paul Zegger (Reg. No. 33,821)  
pzegger@sidley.com

Alyssa B. Monsen (pro hac vice)  
amonsen@sidley.com

SIDLEY AUSTIN LLP

787 Seventh Avenue  
New York, NY 10019

Tel.: (212) 839-5300

Fax: (212) 839-5599

ZytigaIPRTeam@sidley.com

Counsel for Patent Owner

IPR2016-01582  
U.S. Patent 8,822,438

### **CERTIFICATE OF FILING**

I certify that the foregoing was filed electronically with the Board through the PTAB E2E System, and a paper copy was served by Priority Mail Express on December 19, 2018 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  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I further certify that a true and correct copy of the foregoing Notice of Appeal, along with the required filing fee, was filed electronically with the Court of Appeals for the Federal Circuit via CM/ECF on December 19, 2018. Per Fed. Cir. Rule 15(a)(1), one copy of this Notice of Appeal is being filed by Priority Mail Express with the Clerk's office of the United States Court of Appeals for the Federal Circuit on December 19, 2018, at the following address:

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

### **CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), and the parties' agreement to accept electronic service, I certify that a true and correct copy of the foregoing was served

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U.S. Patent 8,822,438

on December 19, 2018 by causing it to be sent by e-mail to counsel for Petitioner

and Patent Co-Owner at the following e-mail addresses:

Dennies Varughese – dvarughe-PTAB@skgf.com

Deborah A. Sterling – dsterlin-PTAB@skgf.com

Lestin L. Kenton Jr. – lkenton-PTAB@skgf.com

Ralph W. Powers III – tpowers-PTAB@skgf.com

Anthony C. Tridico – anthony.tridico@finnegan.com

Jennifer H. Roscetti – jennifer.roschetti@finnegan.com

December 19, 2018

Respectfully submitted,

By: /Dianne B. Elderkin/

Dianne B. Elderkin

(Reg. No. 28,598)

Counsel for Patent Owner

Janssen Oncology, Inc.