

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EDWARDS LIFESCIENCES CORP.,

*Petitioner,*

v.

BOSTON SCIENTIFIC SCIMED, INC.,

*Patent Owner.*

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Case IPR2017-00444

Patent 6,915,560

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**PATENT OWNER'S NOTICE OF CROSS-APPEAL**

***By Electronic Filing***

Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

***By Hand Delivery***

Office of the General Counsel  
U.S. Patent & Trademark Office  
Madison Building East, 10B20  
600 Dulany Street  
Alexandria, Virginia 22314-5793

***By Electronic Filing***

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

To the Director of the United States Patent and Trademark Office:

Pursuant to 35 U.S.C. §§ 141(c) and 319 and 37 C.F.R. § 90.2(a), Boston Scientific Scimed, Inc. ("Patent Owner") hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board's ("Board's") Final Written Decision entered on June 28, 2018. A copy of the Final Written Decision is attached as Exhibit 1.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner identifies that the issues on cross-appeal include, but not limited to, whether the Board erred in determining that Edwards Lifesciences Corporation ("Petitioner") has shown by a preponderance of the evidence that claims 10, 11, 14, 15, 17-19, 23, 25-28, 31, 33-35, 37, 39, and 40 of U.S. Patent No. 6,915,560 are unpatentable, and any finding

or determination supporting or related to those issues, and all other issues decided adversely to Patent Owner in any order, decision, ruling, or opinion by the Board.

The Board issued its Final Written Decision on June 28, 2018. This notice is therefore timely filed within sixty-three (63) days of the Board's decision as prescribed by 35 U.S.C. § 142 and 37 C.F.R. § 90.3(a)(1).

Patent Owner is concurrently filing this Notice of Cross-Appeal with the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit, along with the required fees.

Patent Owner does not believe that any fees are due to the United States Patent and Trademark Office with this Notice of Cross-Appeal. However, if any such fees are due, the Director is authorized to charge the fees to Deposit Account No. 50-2387.

Dated: August 28, 2018

Respectfully submitted,

/s/ Wallace Wu

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IPR2017-00444

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this Notice of Cross-Appeal is also being served to the following Counsel for Petitioner via e-mail on August 28, 2018:

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