

Case IPR2018-00293  
U.S. Patent No. 9,173,857

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KVK-TECH, INC.,  
Petitioner

v.

SHIRE PLC,  
Patent Owner

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Case IPR2018-00293

U.S. Patent No. 9,173,857  
TITLE: CONTROLLED DOSE DRUG DELIVERY SYSTEM  
Issue Date: November 3, 2015

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**KVK'S NOTICE OF APPEAL**

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

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U.S. Patent No. 9,173,857

Pursuant to 35 U.S.C. §§ 141, 142, and 319, and in accordance with 37 C.F.R. §§ 90.2-90.3, Petitioner KVK-Tech, Inc. (“KVK”) 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”) entered on July 3, 2019 in Case IPR2018-00293 (Paper 56) (“Final Written Decision”), and from all underlying findings, determinations, rulings, opinions, orders, and decisions regarding the *inter partes* review of U.S. Patent No. 9,173,857 (“the ‘857 patent”). This Notice of Appeal is timely filed within 63 days of the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), KVK states that the issues on appeal may include, but are not limited to: the Board’s determination that Claims 1 - 19 and 29 of the ‘857 patent are not unpatentable as anticipated by prior art U.S. Patent No. 6,605,300 (“Burnside”); the Board’s determination that Claims 1-29 of the ‘857 patent are not unpatentable as obvious over Burnside alone, or as obvious over Burnside in combination with Patent Owner’s prior art product Adderall XR; the Board’s consideration of the expert testimony, prior art, and other evidence in the record; the Board’s factual findings, conclusions of law, or other determinations supporting or related to those issues, as well as all other issues decided adversely to KVK in any orders, decisions, rulings, and opinions.

This Notice of Appeal is being e-filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit, along with payment of the required

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U.S. Patent No. 9,173,857

docketing fees. In addition, a copy of this Notice of Appeal is being filed simultaneously with the Patent Trial and Appeal Board and with the Director of the United States Patent and Trademark Office.

Dated: August 29, 2019

Respectfully submitted,

s/Steven Roth/

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**CERTIFICATE OF FILING**

The undersigned certifies that on August 29, 2019, in addition to filing the foregoing electronically through PTAB E2E, a copy of this Notice of Appeal was deposited with Priority Mail Express on August 29, 2019 for filing with the Director of the United States Patent and Trademark Office, at the following address:

Office of the Solicitor  
United States Patent and Trademark Office  
Mail Stop 8  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

The undersigned also certifies that on August 29, 2019, a copy of this Notice of Appeal was filed electronically through the United States Court of Appeals for the Federal Circuit's CM/ECF system.

Dated: August 29, 2019

Respectfully submitted,

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U.S. Patent No. 9,173,857

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on August 29, 2019, a complete copy of the foregoing was served on counsel of record for all parties by filing this document through PTAB E2E and by sending this document via electronic mail to the following addresses:

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Dated: August 29, 2019

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