

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS LLC AND
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC,
Petitioners

v.

ALLERGAN, INC.,
Patent Owner

Case IPR2018-00608
U.S. Patent No. 9,161,926 B2

PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION

via PTAB E2E
Patent Trial and Appeal Board

via Hand Carry
Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

via CM/ECF
United States Court of Appeals for the Federal Circuit

INTRODUCTION

Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals of New York, LLC's ("Amneal") appeal stems from the Patent Trial and Appeal Board's Final Written Decision entered on August 27, 2019 (Paper No. 50) (the "Final Written Decision") in the above-captioned *inter partes* review of United States Patent No. 9,161,926 ("the '926 patent"). This notice is timely filed within 63 days of the Board's Final Written Decision. 37 C.F.R. § 90.3(a)(1).

PETITIONERS' APPEAL

Please take notice that pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a); Federal Rule of Appellate Procedure 15(a); and Federal Circuit Rule 15(a)(1), Amneal hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision, including any underlying orders, decisions, rulings, and opinions, as well as any issues raised during that proceeding.

AMNEAL'S ISSUES ON APPEAL

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Amneal's issues on appeal include, without limitation, the following: (i) the Board's determination that claims 1-6 are not unpatentable as obvious under 35 U.S.C. § 103 over the combination of Garrett and Nadau-Fourcade; (ii) the Board's determination that claims 1-6 are not unpatentable as obvious under 35 U.S.C. § 103 over the combination of Garrett

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and Bonacucina; (iii) the Board's construction or interpretation of any claim language of the '926 patent; and (iv) any finding or determination supporting or related to the above-mentioned issues as well as any other issues decided adversely to Amneal, including in any orders, decisions, rulings, and/or opinions.

Simultaneously with this submission, Amneal is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fees, with the Clerk of the U.S. Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Date: October 28, 2019
1100 New York Avenue N.W.
Washington, D.C. 2005-3934
(202) 371-2600



Dennies Varughese, Pharm.D.
Registration No. 61,868
Lead Attorney for Petitioners

CERTIFICATE OF FILING


The undersigned hereby certifies that, in addition to being electronically filed through the PTAB's E2E System, a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL** is being filed by U.S.P.S. Priority Mail Express® with the Director on October 28, 2019 at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel, 10B20
Madison Building East
600 Dulany Street
Alexandria, VA 22314

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL** and the filing fee is being filed via the electronic filing system, CM/ECF, with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit on October 28, 2019.

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Dennies Varughese, Pharm.D.
Registration No. 61,868
Lead Attorney for Petitioners

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the enclosed **PETITIONER'S NOTICE OF APPEAL** was served in its entirety on October 28, 2019, upon the following parties via electronic mail:


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Respectfully submitted,
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