

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.
Petitioner,

v.

BIOGEN MA, INC.
Patent Owner.

Case No. IPR2018-01403
Patent No. 8,399,514

NOTICE OF APPEAL OF MYLAN PHARMACEUTICALS INC.

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 Petitioner Mylan Pharmaceuticals Inc. (“Mylan”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board in Case IPR2018-01403 entered on February 5, 2020 (Paper No. 98), and from all underlying orders, decisions, rulings and opinions.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Mylan states that the issues on appeal include, but are not limited to, the Board’s determination that Mylan has not shown, by a preponderance of the evidence, that challenged claims 1-20 of U.S. Patent No. 8,399,514 are unpatentable, and any finding or determination supporting or related to this issue, including the Board’s conclusions regarding secondary considerations of non-obviousness; its failure to adequately address an argument about a reference relied on in multiple grounds; its conclusion that Mylan raised a new argument on reply; and its conclusion that Mylan failed to set forth an obviousness rationale in connection with Ground 4, as well as all other issues decided adversely to Mylan in any orders, decisions, rulings and opinions.

Mylan 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 electronically filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit, along with the required docketing fee.

Dated: April 3, 2020

/s/Brandon M. White

Brandon M. White

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Counsel for Petitioner Mylan Pharmaceuticals Inc.

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 April 3, 2020 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 April 3, 2020. Pursuant to Administrative Order No. 20-01, a paper copy of this Notice of Appeal has not been filed with the Court of Appeals.

Dated: April 3, 2020

/s/Brandon M. White

Brandon M. White

Reg. No. 52,354

Counsel for Petitioner Mylan Pharmaceuticals Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing *Notice of Appeal of Mylan Pharmaceuticals Inc.* by email to the electronic service addresses for Patent Owners:

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