

No. 19-

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

BRACCO DIAGNOSTICS INC.,

Appellant,

v.

UNITED STATES INTERNATIONAL TRADE COMMISSION,

Appellee.

On Petition for Review from the United States International Trade Commission,
Investigation No. 337-TA-1110

BRACCO DIAGNOSTICS INC.'S PETITION FOR REVIEW

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Counsel for Appellant Bracco Diagnostics Inc.

Bracco Diagnostics Inc. (“Bracco”) by and through its undersigned counsel and pursuant to Federal Rule of Appellate Procedure 15(a) and Federal Circuit Rule 15(a)(2), hereby petitions the Court for review of the Commission’s Opinion, issued on December 2, 2019, in *Certain Strontium-Rubidium Radioisotope Infusion Systems, and Components Thereof Including Generators*, Inv. No. 337-TA-1110, including all underlying orders and determinations, including but not limited to, the Final Initial Determination issued August 1, 2019.

Bracco’s Petition for Review includes, among other determinations, the following adverse judgments and the Commission’s determination not to issue relief based on its determination there was no violation of Section 337:

1. Final determination by the Commission affirming (with modification and supplementation) the Administrative Law Judge’s Initial Determination, issued August 1, 2019, finding claims 1-3, 5, 9, 11-14, 17-19, and 28 of U.S. Patent No. 9,814,826 (“the ’826 patent”) invalid as obvious;

2. Final determination by the Commission affirming (with modification and supplementation) the Administrative Law Judge’s Initial Determination, issued August 1, 2019, finding claims 1-5, 8, 14, 24, and 29-30 of U.S. Patent No. 9,750,869 (“the ’869 patent”) invalid as obvious;

3. Final determination by the Commission affirming (with modification and supplementation) the Administrative Law Judge’s Initial Determination, issued

August 1, 2019, finding claims 1, 2, 8, 10-12, 16-17, and 27 of U.S. Patent No. 9,750,870 (“the ’870 patent”) invalid as obvious;

4. Final determination by the Commission affirming (with modification and supplementation) the Administrative Law Judge’s Initial Determination, issued August 1, 2019, finding no violation of Section 337 of claims 1-3, 5, 9, 11-14, 17-19, and 28 of the ’826 patent; claims 1-5, 8, 14, 24, and 29-30 of the ’869 patent; and claims 1, 2, 8, 10-12, 16-17, and 27 of the ’870 patent

Notice is timely because it is being filed within the sixty-day period specified by Section 1337(c). *See* 19 U.S.C. § 1337(c); Fed. R. App. P. 26(a)(1)(C).

Respectfully Submitted,

Dated: December 23, 2019 GOODWIN PROCTER, LLP

By: /s/ Mark Davis

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2019, I caused the foregoing PETITION FOR REVIEW to be filed with the Clerk of the Court using the CM/ECF system. I also caused a true and correct copy of the foregoing PETITION FOR REVIEW to be served via FedEx overnight delivery to the following recipients:

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