

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
MSN LABORATORIES PRIVATE LTD.,
and MSN PHARMACEUTICALS INC.,

Petitioners,

v.

BAUSCH HEALTH IRELAND LIMITED,
Patent Owner.

IPR2022-00722¹
Patent 7,041,786 B2

**PETITIONERS' MSN LABORATORIES PRIVATE LTD.
AND MSN PHARMACEUTICALS INC.'S
NOTICE OF APPEAL**

¹ IPR2023-00016 has been joined with this proceeding.

Petitioners MSN Laboratories Private Ltd. and MSN Pharmaceuticals Inc. (“MSN”) appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision in this inter partes review entered on September 8, 2023 (Paper 78), and from all other underlying orders, decisions, rulings, and opinions. 35 U.S.C. §§141(c) and 319. This notice of appeal is timely. 35 U.S.C. §142; 37 C.F.R. §90.2(a).

For the limited purpose of addressing the Director of the United States Patent and Trademark Office’s additional requirements in 37 C.F.R. §90.2(a)(3)(ii), the issues on appeal include the Board’s determination that claims 1-6 of U.S. Patent No. 7,041,786 B2 are not unpatentable. The issues on appeal also include any finding or determination supporting or related to these issues, as well as all other issues decided adversely to MSN in any order, decision, ruling, or opinion.

MSN is simultaneously filing this notice with the Director and serving it on patentee Bausch Health Ireland Limited and the Mylan petitioners. 37 C.F.R. §§42.6(e), 90.2(a)(1). MSN is also filing this notice, along with the required fees, with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit. Fed. Cir. R. 15(a)(1).

Respectfully Submitted,

Dated: October 11, 2023

/s/ Richard Berman

Richard J. Berman, Reg. No. 39,107

*Counsel for MSN Laboratories
Private Ltd. and MSN
Pharmaceuticals Inc.*

CERTIFICATES OF FILING AND SERVICE

I hereby certify that, in addition to filing through the Patent Trial and Appeal Board's P-TACTS system, MSN filed this notice today by Express Mail 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
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that MSN filed a true and correct copy of this notice today by CM/ECF, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

I certify that MSN served a true and correct copy of this notice today at the patentee's electronic service addresses as follows:

Justin J. Hasford	justin.hasford@finnegan.com
Bryan C. Diner	bryan.diner@finnegan.com
Joshua L. Goldberg	joshua.goldberg@finnegan.com
Caitlin E. O'Connell	caitlin.oconnell@finnegan.com
Kyu Yun Kim	kyuyun.kim@finnegan.com
Kassandra Officer	kassandra.officer@finnegan.com

Lauren J. Robinson

lauren.robinson@finnegan.com

and Mylan counsel as follows:

Jad A. Mills

jmills@wsgr.com

Richard Torczon

rtorczon@wsgr.com

Tasha M. Thomas

tthomas@wsgr.com

Dennis D. Gregory

dgregory@wsgr.com

Respectfully Submitted,

Dated: October 11, 2023

/s/ Richard Berman

Richard J. Berman, Reg. No. 39,107

*Counsel for MSN Laboratories
Private Ltd. and MSN
Pharmaceuticals Inc.*

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