

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MEDIVIS, INC.  
Petitioner

v.

NOVARAD CORP.  
Patent Owner

US Patent No. 11,004,271

*Inter Partes* Review No. IPR2023-00042

---

**PETITIONER'S NOTICE OF APPEAL**

---

VIA email to Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel

Via PACTS to Patent Trial and Appeal Board

via CM/ECF to the US Court of Appeals for the Federal Circuit

---

Director of the United States 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

Pursuant to 35 U.S.C. §§ 141, 142, and 319; 37 C.F.R. §§ 90.2, and 90.3; Rule 15 of the Federal Rules of Appellate Procedure; and 28 U.S.C. § 1295(a)(4)(A); Petitioner Medivis, Inc. hereby provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision in *Inter Partes* Review IPR2023-00042, entered March 6, 2024 (Paper 35); the Decision Denying Petitioner's Request on Rehearing of Final Written Decision, entered April 23, 2024 (Paper 37); and all other underlying and related findings, orders, decisions, rulings, opinions, or other determinations merged into those orders.

For the limited purpose of providing the Director with information required by 37 C.F.R. § 90.2(a)(3)(ii), Medivis indicates that the issues on appeal may include, but are not limited to, the determination of the Patent Trial and Appeal Board of the US Patent and Trademark Office that Medivis had not shown by a preponderance of the evidence that any of the challenged claims of the '271 patent are unpatentable, including any underlying questions of fact and law, including the construction of claim terms and refusal to construe claim terms; violation of the

Administrative Procedure Act and Medivis's due process rights; and all other issues decided adversely to Medivis, Inc., in any order, decision, ruling, or opinion by the Patent Trial and Appeal Board in *Inter Partes* Review IPR2023-00042.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal Board. Pursuant to 37 C.F.R. § 90.2(a)(2), a copy of this Notice along with the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF, and a paper copy is also being separately sent to the Clerk. Pursuant to 37 C.F.R. § 42.6(e), a copy of this Notice is also being served on counsel of record for Patent Owner electronically with Patent Owner's consent.

---

Respectfully submitted,

Dated: May 6, 2024

By: /s/ Kia Freeman

Filed on behalf of Petitioner,  
Medivis, Inc.

By:

Erik Paul Belt (BBO # 558620)

*Pro hac vice* to the PTAB

[ebelt@mccarter.com](mailto:ebelt@mccarter.com)

Kia Freeman (BBO # 643467)

Reg. No. 47,577

[kfreeman@mccarter.com](mailto:kfreeman@mccarter.com)

John Curran (BBO # 556811)

Reg. No. 50,445

[jcurran@mccarter.com](mailto:jcurran@mccarter.com)

Leah McCoy ((BBO # 673266)

[lmccoy@mccarter.com](mailto:lmccoy@mccarter.com)

MCCARTER & ENGLISH, LLP

265 Franklin St.

Boston, MA 02110

T: (617) 449-6500

F: (617) 607-9200

Attachments:

- 
- Final Written Decision, IPR2023-00042 Paper No. 35 (Issued March 6, 2024)
  - Decision Denying Request on Rehearing of Final Written Decision, IPR2023-00042 Paper No. 37 (Issued April 23, 2024)
  - Certificate of Filing and Service
-

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that today on May 6, 2024, a true and correct copy of the foregoing “**PETITIONER’S NOTICE OF APPEAL**” was filed with the Director of the United States Patent and Trademark Office both by electronic mail to the email address indicated on the US Patent and Trademark Office’s web page for the Office of General Counsel (efileSO@uspto.gov) and by Priority Mail Express to the following address:

Director of the United States Patent and Trademark Office  
c/o Office of the General Counsel  
c/o Office of Solicitor, Mail Stop 8  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that today on May 6, 2024, a true and correct copy of the foregoing “**PETITIONER’S NOTICE OF APPEAL**” was filed electronically through the Board’s current portal.

I also hereby certify that today on May 6, 2024, a true and correct copy of the foregoing “**PETITIONER’S NOTICE OF APPEAL,**” was filed with the Clerk’s Office of the United States Court of Appeals for the Federal Circuit along with the docketing fee set forth in Federal Circuit Rule 52, via CM/ECF and Pay.gov, and one paper copy was also sent to the following address by Priority Mail Express:

Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW  
Washington, DC 20439

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.