

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALTAIRE PHARMACEUTICALS, INC.,
Petitioner,

v.

PARAGON BIOTECK, INC.,
Patent Owner.

Case PGR2015-00011
Patent 8,859,623 B1

PETITIONER'S NOTICE OF APPEAL

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. 90.2(a), Petitioner Altaire Pharmaceuticals, Inc. (“Petitioner”) hereby gives notice of its appeal under 35 U.S.C. § 141(c) to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 48) issued by the Patent Trial and Appeal Board (“the Board”) on November 14, 2016 of the above-captioned proceeding, and from all other orders, decisions, rulings, and opinions underlying or related to the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to, the Board’s decision that Petitioner did not show by a preponderance of the evidence that claims 1-13 of U.S. Patent 8,859,623 are unpatentable as obvious over Altaire’s Product and any finding or determination supporting or relating to that issue, as well as all other issues decided adversely to Petitioner or not considered in any orders, decisions, rulings, or opinions.

This Notice of Appeal is being filed simultaneously with the Director of the United States Patent and Trademark Office, the Board, and the Clerk’s Office for the United States Court of Appeals for the Federal Circuit.

Dated: January 13, 2017

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CERTIFICATE OF FILING

Pursuant to 37 C.F.R. § 104.2, the undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board End to End system, the original version of the foregoing **PETITIONER'S NOTICE OF APPEAL** was filed with the Director of the United States Patent and Trademark Office at the following address:

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

The undersigned also certifies that a copy of the foregoing **PETITIONER'S NOTICE OF APPEAL**, and the filing fee, were filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

CERTIFICATE OF FILING

The undersigned certifies that a copy of the foregoing **PETITIONER'S**
NOTICE OF APPEAL is being served on counsel of record by electronic mail.

Dated: January 13, 2017

/Dipu A. Doshi/

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