

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TEVA PHARMACEUTICALS USA, INC.  
Petitioner

v.

CORCEPT THERAPEUTICS, INC.  
Patent Owner

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Case PGR2019-00048  
Patent 10,195,214 B2

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**PETITIONER'S NOTICE OF APPEAL  
OF FINAL WRITTEN DECISION**

via PTAB E2E  
Patent Trial and Appeal Board

via U.S.P.S. Priority Mail Express®  
Office of the Solicitor  
United States Patent and Trademark Office  
Mail Stop 8, Post Office Box 1450  
Alexandria, VA 22313-1450

via CM/ECF  
United States Court of Appeals for the Federal Circuit

## **INTRODUCTION**

Petitioner Teva Pharmaceuticals USA, Inc.'s appeal stems from the Patent Trial and Appeal Board's Final Written Decision Determining No Challenged Claims Unpatentable pursuant to 35 U.S.C. § 328 entered on November 18, 2020 (Paper 51) in the above-captioned post-grant review of United States Patent No. 10,195,214. This notice is timely filed within 63 days of the Final Written Decision. 37 C.F.R. § 90.3(a)(1).

## **PETITIONER'S APPEAL**

Please take notice that under 35 U.S.C. §§ 141(c), 142, 329; 37 C.F.R. §§ 90.2(a), 90.3(a), and Federal Rule of Appellate Procedure and Federal Circuit Rule 15, Petitioner appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 51).

## **PETITIONER'S ISSUES ON APPEAL**

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner's issues on appeal include at least: (i) the Board's finding that claims 1–13 of the '214 patent are not unpatentable as obvious over the combination of Korlym Label and Lee; (ii) the Board's finding that claims 1–13 of the '214 patent are not unpatentable as obvious over the combination of the Korlym Label, Lee, and FDA Guidance; and (iii) any finding or determination supporting or related to these issues, including claim

constructions, as well as all other issues decided adversely to Petitioner in any order, decision, ruling, phone conference decision, and/or opinion.

Simultaneously with this submission, Petitioner is filing a true and correct copy of this Notice of Appeal with the Director of the United States Patent and Trademark Office and a true and correct copy of the same, along with the required docketing fee, with the Clerk of the United States Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Registration No. 62,732  
Lead Attorney for Petitioner

Date: November 24, 2020  
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**CERTIFICATION OF FILING**

The undersigned certifies that, along with being electronically filed through PTAB E2E, a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** is being filed by U.S.P.S. Priority Mail Express® with the Director on November 24, 2020 at the following address:

Office of the Solicitor  
United States Patent and Trademark Office  
Mail Stop 8, Post Office Box 1450  
Alexandria, VA 22313-1450

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** and the filing fee is being filed via CM/ECF with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on November 24, 2020.

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Deborah Sterling, Ph.D.  
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Lead Attorney for Petitioner

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**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing **PETITIONER'S NOTICE OF APPEAL OF FINAL WRITTEN DECISION** was served electronically via e-mail on November 24, 2020, in its entirety on the following:

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