

Filed September 24, 2014

Filed on behalf of Illumina Cambridge Ltd.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTELLIGENT BIO-SYSTEMS, INC.

Petitioner,

v.

ILLUMINA CAMBRIDGE LTD.

Patent Owner.

Case IPR2013-00128 (LMG)
U.S. Patent 7,057,026

**ILLUMINA NOTICE OF APPEAL
IN THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Illumina Cambridge Ltd.
Appellant

v.

Intelligent Bio-Systems, Inc.
Appellee

**NOTICE OF APPEAL TO THE
U.S. COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
OF FINAL WRITTEN
DECISION OF THE PATENT
TRIAL AND APPEAL BOARD
IN INTER PARTES REVIEW
CASE NO. IPR2013-00128**

Office of the General Counsel
Director of the U.S. Patent & Trademark Office
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 35 U.S.C. §§ 141 and 142, and 37 C.F.R. §§ 90.2, 90.3, and 104.2, Illumina Cambridge Ltd. (“Illumina”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the July 25, 2014 Final Written Decision rendered by the United States Patent and Trademark Office Patent Trial and Appeal Board (“the Board”) in Inter Partes Review No. IPR2013-00128 (Paper 92).

In accordance with 37 C.F.R. §§ 90.2(a)(3)(ii), Illumina provides the below information regarding the questions to be reviewed on appeal. This information is being provided for the purpose of allowing the Director to determine whether to exercise the right to intervene in the appeal pursuant to 35 U.S.C. § 143, and is not

to be construed as limiting the scope of the appeal or precluded from revision.

Illumina anticipates the grounds for appeal will be:

1. Whether the Board erred in denying Illumina's Motion to Amend, including the addition of substitute Claims 9-12; and
2. Whether the Board erred in denying as moot Illumina's Motion to Exclude.

Respectfully submitted,

Dated: SEPT. 24, 2014

By: 

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that the original of this **Illumina Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit** was filed via U.S.P.S. Express Mail on September 24, 2014 with the Director of the United States Patent and Trademark Office at the address below:

Office of the General Counsel
Director of the U.S. Patent & Trademark Office
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Copies of this Notice of Appeal are being filed and served on September 24, 2014 as follows:

To the U.S. Court of Appeals for the Federal Circuit
Clerk of Court
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

(via Federal Express - three copies with filing fee)

To the USPTO Patent Trial and Appeal Board
Patent Trial and Appeal Board
Madison Building East
600 Dulany Street
Alexandria, VA 22313


(via PRPS, as authorized by the Board)

To Counsel for Intelligent Bio-Systems, Inc.
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(via FedEx and via email pursuant to 37 C.F.R. § 42.6(e))

Dated: SEPT. 24, 2014


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