

Filed on behalf of Ariosa Diagnostics

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARIOSA DIAGNOSTICS
Petitioner

v.

VERINATA HEALTH, INC.
Patent Owner

CASE IPR2013-00276
Patent 8,318,430

PETITIONER'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Petitioner Ariosa Diagnostics hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on October 23, 2014 (Paper 43) (the “Final Written Decision”), and from all underlying orders, decisions, rulings and opinions regarding U.S. Patent No. 8,318,430 (“the ‘430 Patent”).

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii), Petitioner anticipates that the issues on appeal may include the following, as well as any underlying findings, determinations (including claim constructions), rulings, decisions, opinions, or other related issues:

- Whether the Board erred in finding that Petitioner has failed to meet its burden of proof, by a preponderance of the evidence, that claims 1–18 of the ’430 patent are unpatentable under 35 U.S.C. § 103 as having been obvious over the combination of Shoemaker, Dhallan, and Binladen.

Copies of this Notice of Appeal are being filed simultaneously with the Director, the Patent Trial and Appeal Board, and the Clerk of the United States Court of Appeals for the Federal Circuit.

ARIOSIA DIAGNOSTICS
Petitioner Notice of Appeal
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U.S. Patent 8,318,430

Any required fee may be charged to Deposit Account No. 150030.

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/Greg H. Gardella/

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Attorneys for Petitioner

Date: November 10, 2014

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies service of PETITIONER'S NOTICE OF APPEAL on the counsel of record for the Patent Owner by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail to the following address:

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The undersigned hereby further certifies that on November 10, 2014, three copies of this Petitioner's Notice of Appeal and the Final Decision were filed (along with a check for the filing fee) with the Federal Circuit via UPS, overnight delivery, and two copies were served on the U.S. Patent and Trademark Office via UPS, overnight delivery, as follows:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulaney Street
Alexandria, VA 22314-5793

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