

Filed on behalf of AmerisourceBergen Specialty Group, Inc.

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Paper No. \_\_\_\_\_  
Date Filed: March 30, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FFF ENTERPRISES, INC.,  
Petitioner

v.

AMERISOURCEBERGEN SPECIALTY GROUP, INC.,  
Patent Owner

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Case CBM2014-00154  
U.S. Patent No. 8,285,607

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**PATENT OWNER'S NOTICE OF APPEAL**

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, VA 22313-1450

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner AmerisourceBergen Specialty Group, Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on January 28, 2016 (Paper 37), and from all underlying orders, decisions, rulings, and opinions, including without limitation the Institution Decision entered on January 29, 2015 (Paper 14).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner indicates that the issues on appeal may include, but are not limited to:

- the Patent Trial and Appeal Board’s application and use of the broadest reasonable interpretation standard;
- the Patent Trial and Appeal Board’s construction of Claims 1 and 2 of U.S. Patent No. 8,285,607 (the “’607 Patent”), including the term “consignment product units”;
- the Patent Trial and Appeal Board’s determination that Claims 1 and 2 of the ’607 Patent are unpatentable under 35 U.S.C. § 102(a) as anticipated by WO 2003/073201 A2 (“Dearing”);
- the Patent Trial and Appeal Board’s determination that Claims 1 and 2 of the ’607 Patent are unpatentable under 35 U.S.C. 102(b) as anticipated by WO 2003/015510 A1 (“Gibb”);
- the Patent Trial and Appeal Board’s determination that the Petitioner had standing to petition for covered business method review of the ’607 Patent and institute this proceeding; and

- any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board, and served on the Petitioner. In addition, three copies of this Notice of Appeal, 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.

Dated: March 30, 2016

Respectfully submitted,

/s/ Tiffany M. Cooke

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**COUNSEL FOR  
AMERISOURCEBERGEN SPECIALTY  
GROUP, INC.**

**CERTIFICATE OF FILING**

I hereby certify that, in addition to being filed electronically through the Patent Trial and Appeal Board's PRPS System, the original version of the foregoing Notice of Appeal, was filed by Express Mail (Label No. ER 151580205 US) on March 30, 2016, 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  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FILING**

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the federal court's Case Management and Electronic Case Files (CM/ECF) system on March 30, 2016, along with the requisite fee. Three copies were sent via Federal Express to the clerk at the following address:

Honorable Daniel E. O'Toole, Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W., Suite 401  
Washington, DC 20005

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on March 30, 2016, a complete and entire copy of this Notice of Appeal was provided via electronic mail, as previously consented to by Petitioner, on the below-listed counsel as follows:

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Date: March 30, 2016

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