

Case IPR2015-00561
U.S. Patent No. 7,182,958 B1

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTELION PHARMACEUTICALS LTD,
Petitioner

v.

ICOS CORPORATION
Patent Owner

Case IPR2015-00561
Patent 7,182,958 B1

**PATENT OWNER ICOS CORPORATION'S
NOTICE OF APPEAL**

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

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2, Patent Owner ICOS Corporation hereby gives notice of its appeal to the United States Court of Appeals for the Federal Circuit from the August 3, 2016, Final Written Decision (Paper 50) by the United States Patent and Trademark Office Patent Trial and Appeal Board in *Inter Partes* Review IPR2015-00561, and from all orders, decisions, rulings, and opinions underlying the Final Written Decision.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the issues on appeal include, but are not limited to, the Board's erroneous determination that claims 1-32 of U.S. Patent No. 7,182,958 are unpatentable under 35 U.S.C. § 103 (2010), including the Board's procedurally improper obviousness analysis and the absence of substantial evidence in support thereof. Patent Owner reserves the right to raise on appeal any finding or determination related to the issues listed above and to raise any other issue decided adversely to the Patent Owner in the proceedings underlying the Final Written Decision.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), this Notice is being filed with the Director of the United States Patent and Trademark Office, and a copy of this Notice is being concurrently filed with the Patent Trial and Appeal

Board. In addition, a copy of this Notice and the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Date: October 3, 2016

Respectfully submitted,

/Mark J. Feldstein/

Mark J. Feldstein (Lead Counsel)

Reg. No. 46,693

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CERTIFICATE OF SERVICE AND FILING

I hereby certify that on October 3, 2016, in addition to being filed and served electronically through the Patent Trial and Appeal Board's Patent Review Processing System, a true and correct copy of the foregoing "PATENT OWNER ICOS CORPORATION'S NOTICE OF APPEAL" was filed by hand 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, 10B20
Madison Building East
600 Dulany Street
Alexandria, Virginia

I also hereby certify that on October 3, 2016, a true and correct copy of the foregoing "PATENT OWNER ICOS CORPORATION'S NOTICE OF APPEAL," and the filing fee, were filed with the Clerk's Office of the United States Court of Appeals for the Federal Circuit, via CM/ECF.

I also hereby certify that on October 3, 2016, a true and correct copy of the foregoing “PATENT OWNER ICOS CORPORATION’S NOTICE OF APPEAL” was served, by electronic mail, upon the following:

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Warren MacRae (wmacrae@loeb.com)

Kathleen Gersh (kgersh@loeb.com)

Respectfully submitted,

Date: October 3, 2016

By: /John W. Kozikowski/
John W. Kozikowski
Litigation Legal Assistant
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP