

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCORD HEALTHCARE INC., USA, ACCORD HEALTHCARE, INC.,
INTAS PHARMACEUTICALS LTD., AMNEAL PHARMACEUTICALS LLC,
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC,
AMNEAL PHARMACEUTICALS CO. INDIA PVT. LTD., APOTEX CORP.,
APOTEX INC., DR REDDY'S LABORATORIES, LTD.,
DR REDDY'S LABORATORIES, INC., GLENMARK GENERICS INC., USA,
GLENMARK GENERICS LTD., GLENMARK PHARMACEUTICALS LTD.,
PANACEA BIOTEC LTD., SUN PHARMA GLOBAL FZE,
TEVA PHARMACEUTICALS USA, INC., ZYDUS PHARMACEUTICALS
USA, INC., CADILA HEALTHCARE LTD., LUPIN LTD., AND LUPIN
PHARMACEUTICALS, INC.

Petitioners.

v.

DAIICHI SANKYO CO., LTD. AND UBE INDUSTRIES, LTD.

Patent Owners.

Case IPR2015-00865¹

Patent 8,569,325 B2

PATENT OWNERS' AMENDED JOINT NOTICE OF APPEAL

¹ Case IPR2015-01881 has been joined with this proceeding.

Patent Owners originally filed a Notice of Appeal on October 12, 2016.

This Amended Notice is substantively identical to the original Notice; however, due to an inadvertent error with respect to service of the original Notice, the Amended Notice is being filed out of an abundance of caution.

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that the Patent Owners in the above-captioned proceeding, Daiichi Sankyo Co., Ltd. and Ube Industries, Ltd., jointly appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered September 12, 2016 (Paper 104) as it relates to claims 1-26 of U.S. Patent No. 8,569,325 (“the ’325 patent”), and any finding or determination supporting or relating to that decision, including the Decision on Institution of *Inter Partes* Review entered September 15, 2015 (Paper 28).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owners further indicate that the issues on appeal include, but are not limited to, the Patent Trial and Appeal Board’s determinations that Petitioner demonstrated by a preponderance of the evidence that claims 1-26 of the ’325 patent were unpatentable under 35 U.S.C. § 103 as obvious over the combination of WO 99/65500 (“Coniglio”) (Ex. 1003); U.S. Patent No. 5,989,578 to Bernat (“Bernat”) (Ex. 1006); Asai et al., *CS-747, A New Platelet ADP Receptor Antagonist*, 51 ANNU. REP. SANKYO RES. LAB. 1-44

(1999) (“Asai”) (Ex. 1010), and U.S. Patent No. 5,288,726 to Koike (“Koike”) (Ex. 1012). Patent Owners appeal any finding or determination supporting or relating to the obviousness issues, as well as all other issues decided adversely to Patent Owners in any orders, decisions, rulings, and opinions.

Pursuant to 37 C.F.R. § 90.2(a), with this submission: (1) a copy of this Notice of Appeal is being filed electronically with the Patent Trial and Appeal Board in accordance with 37 C.F.R. § 42.6(b); (2) a paper copy of this Notice of Appeal, an electronic copy of this Notice of Appeal on the CM/ECF Document Filing System, and the docketing fee of \$500 are being simultaneously filed with the Clerk’s Office for the United States Court of Appeals for the Federal Circuit; (3) the original of this Notice of Appeal is being filed via Priority Mail Express with the United States Patent and Trademark Office as provided in 37 C.F.R. § 104.2; and (4) a copy of this Notice of Appeal is being served on all Petitioners.

Respectfully submitted,

Dated: October 18, 2016

/Dov P. Grossman/
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CERTIFICATE OF FILING

The undersigned hereby certifies that the above-captioned *Patent Owners'* *Amended Joint Notice of Appeal* was electronically filed through PTAB E2E and via Priority Mail Express with the Director on October 18, 2016, 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

The undersigned also hereby certifies that a true and correct paper copy of the above-captioned *Patent Owners' Amended Joint Notice of Appeal*, a true and correct electronic copy of the above-captioned *Patent Owners' Amended Joint Notice of Appeal*, and the docketing fee of \$500 are being filed via Priority Mail Express, CM/ECF, and Pay.gov, respectively, with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on October 18, 2016.

Respectfully submitted,

Dated: October 18, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned *Patent Owners'* *Amended Joint Notice of Appeal* was served on October 18, 2016, by delivering a copy via electronic mail upon the following attorneys of record for Petitioners.

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Respectfully submitted,

Dated: October 18, 2016

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