

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REPRO-MED SYSTEMS, INC.,
Petitioner,

v.

EMED TECHNOLOGIES CORPORATION,
Patent Owner

Case IPR2015-01920

U.S. Patent 8,961,476

**PATENT OWNER'S NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Pursuant to 37 C.F.R. § 90.2(a) and 35 U.S.C. § 142, Patent Owner respectfully gives Notice that it hereby appeals, to the United States Court of Appeals for the Federal Circuit, the Patent Trial and Appeal Board's ("Board") Final Written Decision (Paper 65), dated January 12, 2017, that claims 1–8 and 10 of U.S. Patent No. 8,961,476 have been shown to be unpatentable, and from all other underlying orders, decisions, rulings and opinions that are adverse to Patent Owner, including, without limitation, those within the Decision on Institution of *Inter Partes* Review, entered February 19, 2016 (Paper 9) and the denial of Patent Owner's Motion to Amend (Paper 27) and Motion to Exclude (Paper 42) (both denied in Final Written Decision, Paper 65).

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

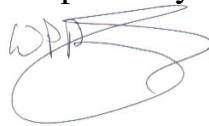
1. Decision rejecting Claims 1-8 and 10 as expressed in the Final Written Opinion issued January 12, 2017, 2017;
2. Board's construction of each claim term;
3. Denial of motion to amend;

4. Determination of one of ordinary skill in the art; and
5. And the specific rejections on pages 3 and 4 of the Final Written Decision.

Simultaneously with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, a copy 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: January 25, 2017

Respectfully submitted,



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CERTIFICATE OF SERVICE

On January 25, 2017, in addition to being filed electronically through the Patent and Trial Board's Patent Review Processing System (PRPS), the foregoing Patent Owner's Notice of Appeal was filed electronically with the Director of the United States Patent and Trademark Office.

CERTIFICATE OF SERVICE

On January 25, 2017, the foregoing Patent Owner's Notice of Appeal, a copy of the Final Written Decision, and the prescribed fees were forwarded via Express Mail to the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

CERTIFICATE OF SERVICE

On January 25, 2017, the foregoing Patent Owner's Notice of Appeal was served by email on the following counsel of record:

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