

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KITE PHARMA, INC.
Petitioner

v.

SLOAN-KETTERING INSTITUTE
FOR CANCER RESEARCH
Patent Owner

CASE IPR2015-01719
Patent 7,446,190

KITE PHARMA, INC.'S NOTICE OF APPEAL

via PTAB E2E
Patent Trial and Appeal Board

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

via CM/ECF
United States Court of Appeals for the Federal Circuit

Pursuant to 37 C.F.R. § 90.2(a), notice is hereby given that Petitioner Kite Pharma, Inc. ("Kite") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board entered on December 16, 2016, in case IPR2015-01719, Paper 72, and from all underlying findings, orders, decisions, rulings, and opinions. This notice is timely filed within 63 days of the Board's Final Written Decision. 37 C.F.R. § 90.3(a)(1).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Kite indicates that the issues on appeal include, but are not limited to, the Board's determinations with respect to (i) patentability of claims 1-13 of U.S. Patent No. 7,446,190 ("the '190 Patent") over the art, (ii) dismissal of Kite's Motion to Exclude Evidence, and (iii) its findings supporting or relating to the aforementioned issues.

Kite also indicates that the issues on appeal include any other issues decided adversely to Petitioner in any orders, decisions, rulings, or opinions issued in the IPR proceeding.

A copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board as well as with the Director of the United States Patent and Trademark Office in accordance with 37 C.F.R. § 90.2(a)(1). In addition, this

Notice of Appeal and the required fee are being submitted to the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Eldora L. Ellison/

Eldora L. Ellison

Registration No. 39,967

Lead Attorney for Petitioner Kite Pharma, Inc.

Date: February 16, 2017
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(e))

The undersigned hereby certifies that on February 16, 2017, a true and correct copy of the above-captioned "Kite Pharma, Inc.'s Notice of Appeal" was filed electronically through the Patent Trial and Appeal Board's E2E System and was filed with the Director of the United States Patent and Trademark office c/o the Office of General Counsel via hand delivery to 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
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314

The undersigned hereby also certify that on February 16, 2017, a true and correct copy of the above-captioned "Kite Pharma, Inc.'s Notice of Appeal" was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit via CM/ECF.

The undersigned hereby further certifies that the above-captioned "Kite Pharma, Inc.'s Notice of Appeal" was served in its entirety on February 16, 2017, upon the following parties via electronic mail upon the following counsel of record for the Patent Owner:

Andrei Iancu (Lead Counsel)
Michael Fleming (Back-Up Counsel)
Morgan Chu (Back-Up Counsel)
Alan Heinrich (Back-Up Counsel)

Elizabeth Tuan (Back-Up Counsel)
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276
KiteMSKIPR@irell.com

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Eldora L. Ellison/
Eldora L. Ellison, Ph.D.
Registration No. 39,967
Lead Attorney for Petitioner

Date: February 16, 2017
1100 New York Avenue, N.W.
Washington, D.C. 20005
(202) 371-2600

4971201