

September 20, 2017

United States Patent and Trademark Office

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Before the Patent Trial and Appeal Board

AMERIGEN PHARMACEUTICALS LIMITED,

Petitioner

v.

UCB PHARMA GMBH

Patent Owner

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*Inter Partes* Review No.: IPR2016-01665<sup>1</sup>  
U.S. Patent No. 6,858,650

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**PETITIONER'S NOTICE OF APPEAL TO THE U.S. COURT OF  
APPEALS FOR THE FEDERAL CIRCUIT**

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<sup>1</sup> Petitioners Alembic Pharmaceuticals Limited from IPR2016-01596, Torrent Pharmaceuticals Limited from Case IPR2016-01636 and Amerigen Pharmaceuticals Limited from IPR 2016-01665 were joined with Petitioners Mylan Pharmaceuticals Inc. and Mylan Laboratories Limited from IPR2016-00510.

Pursuant to 35 U.S.C. §§ 141(c), 142, and 319, 37 C.F.R. §§ 90.2(a) and 90.3(a), Petitioner Amerigen Pharmaceuticals Limited (“Petitioner”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper 45) entered July 19, 2017 (**Attachment A**) regarding U.S. Patent No. 6,858,650 (“the ’650 patent”), and from all underlying orders, decisions, rulings and opinions that are adverse to Petitioner related thereto and included therein.

In particular, for the limited purpose of providing information under 37 C.F.R. § 90.2(a)(iii)(2), Petitioner anticipates that the issues on appeal may include, but are not limited to the following:

1. The determination that the Petitioner did not demonstrate by a preponderance of the evidence that claims 1-5 and 21-24 of the ’650 patent are unpatentable under 35 U.S.C. § 103.

2. Any findings or determinations purportedly supporting or related to these issues, as well as procedural and substantive issues decided adverse to Petitioners, in any order, decision, ruling or opinion by the Board in this proceeding.

Petitioner is concurrently providing true and correct copies of this Notice of Appeal, along with required fees, to the Director of the United States Patent and Trademark Office and the Clerk of the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Dated: September 20, 2017

By: *William D. Hare*

William D. Hare  
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Lead Counsel for Petitioner Amerigen  
Pharmaceuticals Ltd.

**CERTIFICATE OF SERVICE**

I certify that the original of this Notice of Appeal was mailed on September 20, 2017, to the Office of the General Counsel, United States Patent and Trademark Office at the address below:

Office of the General Counsel  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria VA 22313-1450

A copy of this Notice of Appeal is being filed and served on September 20, 2017 as follows:

Patent Trial and Appeal Board  
Madison Building East  
600 Dulany Street  
Alexandria, VA 22313  
(*via PTAB E2E*)

Clerk of Court  
U.S. Court of Appeals for the Federal Circuit  
717 Madison Place, N.W.  
Washington, DC 20439  
(*via CM/ECF - with filing fee and paper copy by mail*)

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*(via email pursuant to 37 C.F.R. § 42.6(e))*

By: /s/William D. Hare/  
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