

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Celltrion, Inc. and Pfizer, Inc.,
Petitioners,

v.

Biogen, Inc. and Genentech, Inc.,
Patent Owners

Patent No. 7,820,161

Title: TREATMENT OF AUTOIMMUNE DISEASES

Inter Partes Review No. IPR2016-01614¹

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

¹ Case IPR2017-01115 has been joined with this proceeding.

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a); and Federal Circuit Rule 15(a)(1), that Petitioner Celltrion, Inc. (“Petitioner” or “Celltrion”) appeals to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s Final Written Decision entered on February 21, 2018 (Paper 65) in the above-captioned *inter partes* review of U.S. Patent No. 7,820,161 (“the ’161 patent”). This notice is timely filed within 63 days of the issuance of the Board’s Final Written Decision. 37 C.F.R. § 90.3(b)(1).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Petitioner states that the issues on appeal include the following: (1) whether the Board erred in holding that claims 1-3, 5-7, and 9-11 are not unpatentable; (2) whether the Board’s decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (3) whether the Board’s subsidiary findings (including the level of skill in the art, the scope and content of the prior art consisting of patents and printed publications, and the differences between the claims and the prior art) were unsupported by substantial evidence and rested on legal error; (4) whether the Board’s final written decision impermissibly failed to address “any patent claim challenged by the petitioner”; and (5) all other issues decided adversely to Petitioner, including any orders, decisions, rulings and/or opinions.

Simultaneously with this submission, Petitioner is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office and filing one copy of this Notice of Appeal, along with the required docketing fees, with the Clerk of the U.S. Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Filing and Certificate of Service.

Dated: April 25, 2018

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CERTIFICATE OF SERVICE AND FILING

Pursuant to 37 C.F.R. §§ 42.6(e), I certify that on this 25th day of April, 2018, I caused a copy of this PETITIONER’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT to be served by email on the following:

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The undersigned hereby certifies that “PETITIONER’S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT” was filed with the Director of the United States Patent and Trademark Office via hand delivery at the address below, was electronically filed with the Patent Trial and Appeal Board via PTAB E2E, and was filed with the Clerk of the United States Court of Appeals for the Federal Circuit electronically via CM/ECF and via first class mail, postage prepaid at the address below on this 25th day of April, 2018.

Via hand delivery:

Director of the United States Patent and Trademark Office
Office of the General Counsel
Patent and Trademark Office
Madison East
10B20 600 Dulany Street
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Via first class mail:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

Dated: April 25, 2018

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