

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOSPIRA, INC. and SAMSUNG BIOEPIS CO., LTD.,
Petitioners,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-00804¹
Patent No.: 6,627,196 B1

NOTICE OF APPEAL

¹ Case IPR2017-01958 has been joined with this proceeding.

IPR2017-00804: Notice of Appeal

Pursuant to 35 U.S.C. §§ 141(c) and 142 and 37 C.F.R. §§ 90.2(a) and 90.3, Petitioner Hospira, Inc. and real party in interest Pfizer, Inc. (collectively, “Pfizer”), and Petitioner Samsung Bioepis Co., Ltd. (“Bioepis”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (“Board”) Final Written Decision, entered on October 3, 2018 (Paper 83)², and from all underlying and related findings, orders, decisions, rulings, and opinions that are adverse to Petitioners.

For the limited purpose of providing the Director with the information requested in 37 C.F.R. § 90.2(a)(3)(ii) (“sufficient information to allow the Director to determine whether to exercise the right to intervene in the appeal”), Petitioners further indicate that the issues on appeal may include, but are not limited to, whether the Board erred in holding that claims 1-3, 5, 7, 9-11, and 17-33 of U.S. Patent No. 6,627,196 are not unpatentable for obviousness under 35 U.S.C. § 103. Petitioners further reserve the right to challenge any finding or determination supporting or relating to the issues above, and to challenge other issues decided adversely to Petitioners.

² The same decision was entered as Paper 10 in IPR2017-01958, the proceeding originating from Bioepis’s petition. That proceeding was terminated and joined with IPR2017-00804 on December 1, 2017, with an Order that “all future filings in the joined proceeding are to be made only in IPR2017-00804.” (Paper No. 9 at 6).

IPR2017-00804: Notice of Appeal

Pursuant to 37 C.F.R. § 90.2(a), Petitioners are filing one (1) copy of this Notice of Appeal with the Director and also electronically filing a copy of this Notice of Appeal with the U.S. Court of Appeals for the Federal Circuit, with the requisite filing fee, in addition to filing this notice with the Board.

Date: November 7, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

Per 37 C.F.R. § 90.2(a)(1), on November 7, 2018 the foregoing notice of appeal was filed electronically with the Board in accordance with 37 C.F.R. § 42.6(b)(1), and mailed to the Director via Priority Mail Express in accordance with 37 C.F.R. §§ 1.10 and 104.2 at the following address:

Director of the U.S. Patent and Trademark Office
c/o Office of the General Counsel
P.O. Box 1450
Alexandria, VA 22313-1450

Per 37 C.F.R. § 90.2(a)(2), Fed. R. App. P. 15, and Fed. Cir. Rules 15, 25, and 52, on November 7, 2018 the foregoing notice of appeal was electronically filed with the United States Court of Appeals for the Federal Circuit via CM/ECF with appropriate fees paid through pay.gov. Per Fed. Cir. Rule 15(a)(1), one copy of this notice of appeal is being filed by hand with the Clerk's Office of the United States Court of Appeals for the Federal Circuit on November 7, 2018.

Per 37 C.F.R. § 42.6(e) and the parties' agreement to accept electronic service, on November 7, 2018 the foregoing notice of appeal was served via e-mail on the following attorneys for Patent Owner:

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