

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SANOFI-AVENTIS U.S. LLC,  
GENZYME CORP. AND  
REGENERON PHARMACEUTICALS, INC.,  
Petitioners

v.

IMMUNEX CORPORATION,  
Patent Owner

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Case IPR2017-01884  
Patent 8,679,487

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**PATENT OWNER'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

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, 319; 37 C.F.R. §§ 90.2(a), 90.3(a); Federal Rule of Appellate Procedure 15(a); and Federal Circuit Rule 15(a)(1), that Patent Owner Immunex Corporation (“Immunex”) appeals from the Patent Trial and Appeal Board’s Final Written Decision entered on February 14, 2019 (Paper No. 96) in the above-captioned *inter partes* review of U.S. Patent No. 8,679,487 to the United States Court of Appeals for the Federal Circuit. Immunex’s appeal includes any underlying orders, decisions, rulings, and opinions as well as any issues raised during these proceedings. 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), Immunex further indicates that the issues on appeal include, without limitation, the following: (i) the Board’s determination that claims 1-17 are unpatentable as obvious; (ii) the Board’s claim constructions; and (iii) any finding or determination supporting or related to the above-mentioned issues as well as any other issues decided adversely to Immunex, including in any orders, decisions, rulings, and/or opinions.

Simultaneous with this submission, Immunex is filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office and electronically filing the same, 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.

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

Date: April 8, 2019  
1100 New York Avenue N.W.  
Washington, D.C. 2005-3934  
(202) 371-2600

/Eldora L. Ellison/  
Eldora L. Ellison  
Registration No. 39,967  
Lead Attorney for Patent Owner

**CERTIFICATE OF FILING**

The undersigned hereby certifies that, in addition to being electronically filed through the PTAB's E2E System, a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL** is being filed by hand with the Director of the U.S. Patent and Trademark Office on April 8, 2019 at the following address:

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

The undersigned also hereby certifies that a true and correct copy of the above-captioned **PATENT OWNER'S NOTICE OF APPEAL** and the filing fee is being filed via the electronic filing system, CM/ECF, with the Clerk's Office of the U.S. Court of Appeals for the Federal Circuit on April 8, 2019.

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

Date: April 8, 2019  
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/Eldora L. Ellison /  
Eldora L. Ellison  
Registration No. 39,967  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the enclosed **PATENT OWNER'S NOTICE OF APPEAL** was served in its entirety on April 8, 2019 upon the following parties via electronic mail:

Lauren Fornarotto  
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Geoff L. Smith  
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Respectfully submitted,  
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