

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARDIOVASCULAR SYSTEMS, INC.,
Petitioner,

v.

SHOCKWAVE MEDICAL, INC.,
Patent Owner.

Case IPR2019-00408
Patent No. 9,642,673

**NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
BY PATENT OWNER SHOCKWAVE MEDICAL, INC.**

Notice is hereby given, pursuant to 35 U.S.C. § 141(c) and 37 C.F.R. § 90.2(a), that Patent Owner Shockwave Medical, Inc. appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision issued by the Patent Trial and Appeal Board in Case No. IPR2019-00408 on July 20, 2020 (“Final Written Decision”), and from all underlying orders, decisions, rulings and opinions that adversely affected Shockwave.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Shockwave further indicates that the issues on appeal include, but are not limited to, the Board’s determination of unpatentability of claims 1–20 of U.S. Patent No. 9,642,673 (“the ‘673 Patent”); the Board’s claim construction determinations; the Board’s application of its constructions to the facts of record; the Board’s consideration of the record evidence, including but not limited to expert testimony; the Board’s conclusions of law; due process and other constitutional issues presented in the proceedings and/or the *inter partes* review procedure itself; and all findings or determinations supporting or related to any issues listed above, as well as any other issues decided adversely to Shockwave either directly or implicitly in any orders, decisions, rulings and opinions.

Pursuant to 37 C.F.R. § 90.2(a)(1) and (a)(2), and as reflected in the attached Certificate of Service, this Notice of Appeal is being electronically filed with the

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Patent Trial and Appeal Board through the E2E System and the United States Court of Appeals for the Federal Circuit through the CM/ECF System along with the requisite filing fee. A copy is also being served on the Director of the U.S. Patent and Trademark Office.

Date: September 21, 2020

Respectfully submitted,

/s/ W. Cook Alciati _____

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CERTIFICATE OF FILING AND SERVICE

The undersigned certifies in accordance with 37 C.F.R. § 42.6(e) that on September 21, 2020, a copy of the foregoing **NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT BY PATENT OWNER SHOCKWAVE MEDICAL, INC.** was served via email on the Petitioners at:

Mark C. Nelson | mnelson@btlaw.com
Jeffrey Stone | jstone@btlaw.com
Juanita DeLoach | jdeloach@btlaw.com

and via U.S. Mail at the address of record for lead counsel at:

Mark C. Nelson
BARNES & THORNBURG LLP
2121 N. Pearl St., Suite 700
Dallas, TX 75201

I also certify that in addition to being filed electronically with the Board through its E2E System, the original of the foregoing Notice of Appeal is being served, pursuant to 37 C.F.R. § 104.2, by hand on September 21, 2020 to the United States Patent and Trademark Office at the following address: Office of the General Counsel, 10B20, Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314-5793.

I further certify that a copy of the foregoing Notice of Appeal was filed via CM/ECF on September 21, 2020, with the United States Court of Appeals for the Federal Circuit.

Date: September 21, 2020

/s/ W. Cook Alciati
W. Cook Alciati