

UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE PATENT TRIAL AND APPEAL BOARD  
\_\_\_\_\_

ASSOCIATED BRITISH FOODS PLC, AB VISTA, INC.,  
PGP INTERNATIONAL, INC., ABITEC CORPORATION,  
AB ENZYMES, INC., and AB ENZYMES GMBH,  
Petitioner

v.

CORNELL RESEARCH FOUNDATION, INC.,  
Patent Owner  
\_\_\_\_\_

*Inter Partes* Review No. IPR2019-00581  
Patent 7,026,150

---

**PATENT OWNER'S NOTICE OF APPEAL**

Notice is hereby given, pursuant to 35 U.S.C. §§ 141-142 and 37 C.F.R. § 90.2(a), that Patent Owner Cornell Research Foundation, Inc. (“Patent Owner”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“the Board”) entered on July 23, 2020 (Paper 111), and from all underlying findings, orders, decisions, rulings and opinions adverse to Patent Owner.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Patent Owner further indicates that the issues on appeal include, but are not limited to the Board’s determination of unpatentability of claims 1–4, 6–9, 21, 28–34, and 39 under 35 U.S.C. § 103 of U.S. Patent No. 7,026,150; any finding or determination supporting or related to those issues; whether the Patent Owner was afforded due process in this proceeding; whether the Patent Trial and Appeal Board exceeded its statutory and/or constitutional authority; as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. In addition, a copy of this Notice of Appeal, along with the required docketing fees, is being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

KENEALY VAIDYA LLP  
3050 K Street, NW, Suite 302  
Washington, DC 20007  
+1 202 748 5902 (v)  
avaidya@kviplaw.com

/ajit j vaidya/  
Ajit J. Vaidya  
Reg No 43,214  
COUNSEL FOR PATENT OWNER

**Date: September 23, 2020**

**CERTIFICATE OF SERVICE**

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's End to End system (PTAB E2E), the foregoing Notice of Appeal was filed by hand carry on September 23, 2020 with the Director of the United States Patent and Trademark Office, at the following address: Mail Stop 8, Director / Office of Solicitor, P.O. Box 1450, Alexandria, VA 22313-1450, and filed by hand carry with the Office of General Counsel at Office of the General Counsel, United States Patent and Trademark Office, Madison Building East, Room 10B20, 600 Dulany Street, Alexandria, VA 22314.

The undersigned certifies that a copy of the foregoing Notice of Appeal, along with the required docket fee, was filed on September 23, 2020 with the Clerk's Office of the United States Court of Appeals for the Federal Circuit through the Court's CM/ECF filing system. The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) of a copy of this Notice of Appeal by electronic mail on September 23, 2020 on the counsel of record for Petitioner:

**1. PATENT OWNER'S NOTICE OF APPEAL**

Service has been made to the following as set forth in Petitioner's

Mandatory Notices:

- 1. Jovial Wong (Lead Counsel)**  
**jwong@winston.com**

2. **Kurt A. Mathas (Back-up Counsel)**  
**kmathas@winston.com**
3. **Claire A. Fundakowski (Back-up Counsel)**  
**cfundakowski@winston.com**
4. **Noorossadat Torabi (Back-up Counsel)**  
**ntorabi@winston.com**
5. **ABFIPRS@winston.com**

Respectfully submitted,

KENEALY VAIDYA LLP  
3050 K Street, NW, Suite 302  
Washington, DC 20007  
+1 202 748 5902 (v)  
avaidya@kviplaw.com

/ajit j vaidya/  
Ajit J. Vaidya  
Reg No 43,214  
COUNSEL FOR PATENT OWNER

**Date: September 23, 2020**

**CERTIFICATION OF FILING**

The undersigned certifies, in accordance with 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), that on September 23, 2020 a copy of PATENT OWNER'S NOTICE OF APPEAL was filed with the following agency offices and court:

with the Patent Trial and Appeal Board through PTAB E2E;

with the Director and General Counsel of the U.S. Patent & Trademark Office by hand carry addressed to the Director MS 8, P.O. Box 1450 Alexandria, Virginia 22313-1450 and to the Office of General Counsel U.S. Patent & Trademark Office, Madison Building East, Room 10B20, 600 Dulaney Street, Alexandria, VA 22314; and

with the Clerk of Court for the United States Court of Appeals for the Federal Circuit through the CM/ECF filing system.

The appropriate filing fee was submitted via pay.gov through the CM/ECF filing system.

Respectfully submitted,

KENEALY VAIDYA LLP  
3050 K Street, NW, Suite 302  
Washington, DC 20007  
+1 202 748 5902 (v)  
avaidya@kviplaw.com

/ajit j vaidya/  
Ajit J. Vaidya  
Reg No 43,214

COUNSEL FOR PATENT OWNER

**Date: September 23, 2020**