

Appeal No. 19-1364

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL
CIRCUIT**

BIOGEN, INC.,

Appellant,

v.

PFIZER, INC.,

Appellee.

Appeal from the Patent Trial and Appeal Board of the United States Patent
and Trademark Office in case no. IPR2017-01168 Administrative Patent
Judges Erica A. Franklin, Sheridan K. Snedden, and Jacqueline T. Harlow

**NOTICE OF CONSTITUTIONAL CHALLENGE TO FEDERAL
STATUTE**

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Pursuant to Rule 44(a) of the Federal Rules of Appellate Procedure, appellant Biogen, Inc. (“Biogen”), provides notice that it has filed a notice of appeal questioning the constitutionality of *inter partes* review as provided by the Leahy-Smith America Invents Act (“AIA”) in connection with IPR2017-01168, which is a proceeding in which the United States or its agency, officer, or employee is not a party in an official capacity.

Respectfully submitted by:

Dated: January 7, 2019

/s/ Keith A. Orso

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 7th day of January, 2019, an electronic copy of the foregoing Biogen's NOTICE OF CONSTITUTIONAL CHALLENGE TO FEDERAL STATUTE, along with any required docketing fee, is being submitted electronically with the United States Court of Appeals for the Federal Circuit via CM/ECF.

The undersigned hereby further certifies that pursuant to 37 CFR § 42.6(e) a copy of Biogen's NOTICE OF CONSTITUTIONAL CHALLENGE TO FEDERAL STATUTE is being served in its entirety by causing the aforementioned document to be electronically mailed and sent via U.S. Mail on this 7th day of January, 2019, to the following attorneys of record for Petitioner listed below:

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