

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

Case No. IPR2018-01670
U.S. Patent No. 8,679,069 B2

**PATENT OWNER SANOFI-AVENTIS DEUTSCHLAND GMBH'S
NOTICE OF APPEAL UNDER 37 C.F.R. § 90.2(a)**

Pursuant to 35 U.S.C. §§ 141-144, 319 and 37 C.F.R. § 90.2(a), notice is hereby given that Patent Owner Sanofi-Aventis Deutschland GmbH (“Sanofi”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision (Paper No. 81) (the “Final Written Decision”), in IPR2018-01670, entered on April 2, 2020, by the United States Patent and Trademark Office, Patent Trial and Appeal Board (the “Board”), and from all orders, decisions, rulings, and opinions antecedent to the Final Written Decision. A copy of the Final Written Decision is attached hereto as Exhibit A.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), Sanofi further indicates that the issues on appeal may include, but are not limited to, the Board’s determination that claim 1 of U.S. Patent Number 8,679,069 has been shown to be unpatentable under 35 U.S.C. § 103 in view of the grounds of unpatentability identified in the Board’s Final Written Decision, challenges to any findings supporting the determination, the Board’s failure to properly consider evidence of record, the Board’s legal and factual errors in undertaking the obviousness analysis, the Board’s failure to consider Sanofi’s arguments in support of patentability, the Board’s procedural errors including its failure to strike and/or exclude certain of Petitioner’s arguments and evidence and the Board’s failure to provide Sanofi an opportunity to offer rebuttal argument and evidence, the Board’s findings that conflict with the evidence of record and are not supported by substantial evidence,

the Board's failure to provide Sanofi with sufficient due process, the Board's failure to provide Sanofi with just compensation, the constitutionality of the Administrative Patent Judges, and other issues decided adversely to Sanofi.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed through the Patent Trial and Appeal Board End to End ("PTAB E2E") System. In addition, a copy of the Notice of Appeal, along with the required docketing fee, is being filed with the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

Dated: May 29, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that, in addition to being filed electronically through the PTAB E2E System, the original version of Patent Owner Sanofi-Aventis Deutschland GmbH's Notice of Appeal, has been sent via Federal Express on May 29, 2020, to the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314-5793

The undersigned also certified that a true and correct copy of Patent Owner Sanofi-Aventis Deutschland GmbH's Notice of Appeal and the required filing fee were filed electronically via CM/ECF on May 29, 2020, with the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

The undersigned also certifies that a true and correct copy of Patent Owner Sanofi-Aventis Deutschland GmbH's Notice of Appeal was served on May 29, 2020, via electronic mail, upon the following counsel of record for Petitioner Mylan Pharmaceuticals Inc.:

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Dated: May 29, 2020

Respectfully submitted,

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