

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EDWARDS LIFESCIENCES CORPORATION, EDWARDS  
LIFESCIENCES LLC, AND EDWARDS LIFESCIENCES AG,

*Petitioners,*

v.

BOSTON SCIENTIFIC SCIMED, INC.,

*Patent Owner.*

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Case IPR2017-00060

Patent 8,992,608

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Before the Honorable NEIL T. POWELL, JAMES A. TARTAL, and  
ROBERT L. KINDER, *Administrative Patent Judges.*

**PATENT OWNER'S NOTICE OF APPEAL**

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Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**By Hand Delivery**

Office of the General Counsel  
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Madison Building East, 10B20  
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Circuit Executive and Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW  
Washington, DC 20439

To the Director of the United States Patent and Trademark Office:

Pursuant to 35 U.S.C. §§ 141 and 142 and 37 C.F.R. § 90.2(a), Patent Owner Boston Scientific Scimed, Inc. (“Appellant”) hereby provides this Notice of Appeal to the United States Court of Appeals for the Federal Circuit from the Final Written Decision of the Patent Trial and Appeal Board (“PTAB”) in IPR2017-00060, concerning the *inter partes* review of U.S. Patent No. 8,992,608 (“the ‘608 patent”), and from all underlying orders, decisions, rulings, and opinions. The issues on appeal include, without limitation, the following: (i) the PTAB’s determination of unpatentability of claims 1-4 of the ‘608 patent under 35 U.S.C. § 103, (ii) whether the PTAB complied with Supreme Court precedent in

*SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348 (2018), and (iii) whether the PTAB's determination of unpatentability of claims 1-4 of the '608 patent is constitutional and complies with the Administrative Procedure Act and other legislative and regulatory limits on the PTAB's authority. A copy of the PTAB's Final Written Decision is attached as Exhibit 1.

The PTAB issued its Final Written Decision on March 23, 2018. This notice is therefore timely filed within sixty-three (63) days of the PTAB's decision as prescribed by 35 U.S.C. § 142 and 37 C.F.R. § 90.3(a)(1).

Pursuant to 37 C.F.R. § 90.2(a)(1), a copy of this Notice of Appeal is being filed with the PTAB. Pursuant to Federal Circuit Rule 15(a)(1), a copy of this Notice of Appeal is also being filed with the Clerk of the United States Court of Appeals for the Federal Circuit, along with the necessary fees.

Appellant does not believe that any fees are due to the United States Patent and Trademark Office with this Notice of Appeal. However, if any such fees are due, the Director is authorized to charge the fees to Deposit Account No. 50-2387.

Dated: May 24, 2018

Respectfully submitted,

/Jennifer A. Sklenar/

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*Attorney for Patent Owner Boston  
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## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PATENT OWNER'S NOTICE OF APPEAL was served on May 24, 2018 to the following Counsel for Petitioner via e-mail:

<p>Gregory S. Cordrey (Reg. No. 44,089) Jeffer Mangels Butler &amp; Mitchell, LLP 3 Park Plaza, Suite 1100 Irvine, CA 926214 Email: gcordrey@jmbm.com Telephone: 949-623-7200 Facsimile: 949-623-7201</p>	<p>Brian Egan (Reg. No. 54,866) Morris, Nichols, Arsht &amp; Tunnell, LLP 1201 North Market Street P.O. Box 1347 Wilmington, DE 19899-1347 Email: began@MNAT.com Telephone: 302-351-9454 Facsimile: 302-498-6216</p> <p>Catherine Nyarardy (Reg. No. 42,042) Paul, Weiss, Rifkind, Wharton &amp; Garrison, LLP 1285 Avenue of the Americas New York, NY 10019 Email: cnyarardy@paulweiss.com Telephone: 212-373-3532 Facsimile: 212-492-0532</p>
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*Attorneys for Petitioners Edwards LifeSciences Corporation, Edwards Lifesciences LLC, and Edwards Lifesciences AG*

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