

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Mylan Laboratories Ltd.
Petitioner,

v.

Janssen Pharmaceutica NV
Patent Owner.

U.S. Patent No. 9,439,906 to Vermeulen et al.
Issue Date: September 13, 2016
Title: Dosing Regimen Associated with Long
Acting Injectable Paliperidone Esters

Inter Partes Review No.: IPR2020-00440

PETITIONER'S NOTICE OF APPEAL

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 28 U.S.C. § 1295(a)(4)(A), 5 U.S.C. §§ 701-706, 35 U.S.C. §§ 141(c), 142, and 319, and 28 U.S.C. § 1651, and in accordance with 37 C.F.R. §§ 90.2(a), 90.3, and Federal Circuit Rule 15(a)(1), Petitioner Mylan Laboratories Ltd. ("Petitioner") provides notice that it appeals to the United States Court of Appeals for the Federal Circuit from the Decision Denying Institution of Inter Partes Review of the Patent Trial and Appeal Board ("Board") entered September 16, 2020 (Paper 17).

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), the expected issues on appeal include, but are not limited to the following: (1) that the Board's determination to deny institution under 35 U.S.C. § 314(a) of the *inter partes* review of claims 1-21 of U.S. Patent No. 9,439,906, based on the timing of a separate district-court litigation to which Petitioner is not a party, undermines Petitioner's constitutional and other due process rights; and (2) the Board's continued adoption and application of non-statutory institution standards through *ad hoc* proceedings lie in contrast to congressional intent.

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 90.2(a), a copy of this Notice is being filed with the Director of the United States Patent and Trademark Office and with the Patent Trial and Appeal Board. In addition, a copy of this Notice and the required docketing fees are being filed with the Clerk's Office for the United States Court of Appeals for the Federal Circuit via CM/ECF.

Respectfully submitted,

Katten Muchin Rosenman LLP

Date: October 20, 2020

/ Jitendra Malik /
Jitendra Malik, Ph.D. (Reg. No. 55823)
Lead Counsel for Petitioner

CERTIFICATION OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. §§ 42.6, the undersigned certifies that on October 20, 2020, a complete copy of the foregoing Notice of Appeal was served electronically on counsel of record for the Patent owner at the following electronic-mail addresses:

JANS-INVEGAIPR@akingump.com

rmunoz@akingump.com

JanssenInvegaIPR@pbwt.com

bmullin@pbwt.com

jcho@pbwt.com

acohen@pbwt.com

Respectfully submitted,

Katten Muchin Rosenman LLP

By: / Jitendra Malik /
Jitendra Malik, Ph.D.
Reg. No. 55,823

In accordance with 37 C.F.R. §§ 90.2(a)(1) and 104.2(b), I hereby certify that, in addition to being filed electronically through the Board's E2E System, the original version of the foregoing Notice of Appeal was filed by hand on October 20, 2020, with 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
Madison Building East, Room 10B20
600 Dulany Street
Alexandria, VA 22314

In accordance with 37 C.F.R. § 90.2(a)(2), I hereby certify that on October 20, 2020, a true and correct copy of the foregoing Notice of Appeal was filed electronically with the Clerk's Office of the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

Katten Muchin Rosenman LLP

Date: October 20, 2020

/ Jitendra Malik /
Jitendra Malik, Ph.D. (Reg. No. 55823)
Lead Counsel for Petitioner

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.