

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GNOSIS S.P.A., GNOSIS BIORESEARCH S.A., AND GNOSIS U.S.A., INC.
Petitioners

v.

MERCK & CIE
Patent Owner

Case IPR2013-00117
U.S. Patent No. 6,011,040

PATENT OWNER'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 35 U.S.C. §§ 141-44 and 319, and 37 C.F.R. §§ 90.2(a) and 90.3, that Patent Owner South Alabama Medical Science Foundation (“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 June 20, 2014 (Paper 71), 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 institution of *Inter Partes* Review, determination of unpatentability of claims 8, 9, 19, and 20 of U.S. Patent No. 6,011,040 under 35 U.S.C. § 102 and claims 8, 9, 11, 12, 14, 15, 19-22 under 35 U.S.C. § 103, the Board’s failure to properly consider evidence of record, the Board’s findings, or lack thereof, with respect to objective indicia of non-obviousness, and any finding or determination supporting or related to those issues, as well as all other issues decided adversely to Patent Owner in any orders, decisions, rulings, and opinions, including but not limited to any adverse evidentiary 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, three copies 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.

Dated: July 29, 2014

Respectfully Submitted by:



Thomas Parker, Esq., Reg. No.: 42,062
Counsel for Patent Owner
Alston & Bird, LLP
90 Park Avenue, 12th Floor
New York, New York 10016-1387
Telephone: (212) 210-9529
Facsimile: (212) 922-3975
E-mail: thomas.parker@alston.com

Anthony J. Zelano, Esq., Reg. No.: 27,969
Counsel for Patent Owner
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201
Telephone: (703) 243-6333
Direct Dial: (703) 812-5311
Facsimile: (703) 243-6410
E-mail: zelano@mwzb.com

Brion P. Heaney, Esq., Reg. No.: 32,542
Counsel for Patent Owner
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201
Telephone: (703) 243-6333
Direct Dial: (703) 812-5308
Facsimile: (703) 243-6410
E-mail: heaney@mwzb.com

Jitendra Malik, Ph.D, Esq., Reg. No.: 55,823
Counsel for Patent Owner
Alston & Bird, LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, North Carolina 28280-4000
Telephone: (704) 444-1115
Facsimile: (704) 444-1695

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 90.2(a)(1) and 104.2(b), I hereby certify that on July 29, 2014, in addition to being filed electronically through the Board's Patent Review Processing System, the original foregoing Patent Owner's Notice of Appeal was served by hand with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
Office of the General Counsel
10B20, Madison Building East
600 Dulany Street
Alexandria, VA

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 90.2(a)(2), I hereby certify that on July 29, 2014, three (3) true and correct copies of the foregoing Patent Owner's Notice of Appeal were filed by hand with the Clerk's Office of the United States Court of Appeals for the Federal Circuit at the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

CERTIFICATE OF SERVICE

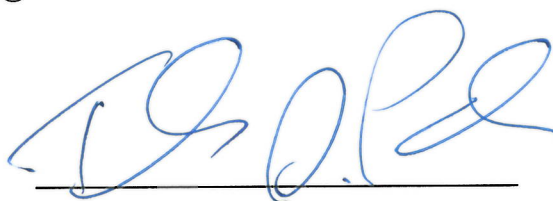
The undersigned hereby certifies the forgoing Patent Owner's Notice of Appeal was served by electronic mail, as consented to by the parties, and express mail on July 29, 2014, upon the Petitioners' counsel of record upon the following:

Jonathan J. Krit
Amin Talati, LLC
55 West Monroe Street, Suite 3400
Chicago, Illinois 60603
jonathan@amintalati.com

Joseph E. Cwik
120 S. Riverside Plaza, Suite 2200
Chicago, Illinois 60606
Joseph.Cwik@huschblackwell.com

Erik B. Flom
120 S. Riverside Plaza, Suite 2200
Chicago, Illinois 60606
Erik.Flom@huschblackwell.com

Dated: July 29, 2014



Thomas Parker, Esq., Reg. No.: 42,062
Counsel for Patent Owner
Alston & Bird, LLP
90 Park Avenue, 12th Floor
New York, New York 10016-1387
Telephone: (212) 210-9529
Facsimile: (212) 922-3975
E-mail: thomas.parker@alston.com