

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: ARMODAFINIL PATENT LITIGATION	)	MDL Docket No. 1:10-md-2200-GMS
CEPHALON INC., CEPHALON FRANCE, and TEVA SANTE SAS, Plaintiffs,	)	Civil Action No. 1:10-cv-7-GMS
v.	)	
WATSON LABORATORIES, INC., Defendant.	)	
CEPHALON INC., CEPHALON FRANCE, and TEVA SANTE SAS, Plaintiffs,	)	Civil Action No. 1:10-cv-55-GMS
v.	)	Civil Action No. 1:11-cv-782-GMS
SANDOZ INC., Defendant.	)	
CEPHALON INC., CEPHALON FRANCE, and TEVA SANTE SAS, Plaintiffs,	)	Civil Action No. 1:10-cv-210-GMS
v.	)	
LUPIN LIMITED, Defendant.	)	
CEPHALON INC., CEPHALON FRANCE, and TEVA SANTE SAS, Plaintiffs,	)	Civil Action No. 1:10-cv-695-GMS
v.	)	Civil Action No. 1:10-cv-1078-GMS
APOTEX INC., Defendant.	)	

**NOTICE OF APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Sandoz Inc. ("Sandoz"), defendant and declaratory judgment plaintiff in C.A. Nos. 10-cv-55 and 11-cv-782, consolidated as 10-md-2200, hereby appeals to the United States Court of Appeals for the Federal Circuit from those portions of the March 30, 2013 Judgment (D.I. No. 330 in C.A. No. 10-md-2200) and the March 30, 2013 Memorandum

Opinion (D.I. No. 329 in C.A. No. 10-md-2200) adverse to Sandoz, including but not limited to those: (a) granting final judgment in favor of Plaintiffs Cephalon Inc., Cephalon France and Teva Sante SAS on Sandoz's defenses and counterclaims of invalidity of claims 1-9 of U.S. Patent No. 7,132,570 ("the '570 patent"); (b) directing the Food and Drug Administration ("FDA") to make the effective date of any approval of ANDA No. 200511, filed by Sandoz to be a date that is not earlier than the date of expiration of the '570 patent (December 18, 2023), including periods of regulatory exclusivity associated with the '570 patent authorized by the FDA; and (c) enjoining Sandoz, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them from making, using, offering to sell, or selling within the United States, or importing into the United States, the product described in ANDA No. 200511 until the expiration of the '570 patent, as well as all rulings and orders merged therein, and from any other decision or order adverse to Sandoz.

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$450.00) as required by 28 U.S.C. § 1917 and Federal Circuit Rule 52(a)(3)(A), and Federal Rule of Appellate Procedure 3(e).

PROCTOR HEYMAN LLP

/s/ Neal C. Belgam

Neal C. Belgam (# 2721)

Email: nbelgam@proctorheyman.com

300 Delaware Avenue, Suite 200

Wilmington, Delaware 19801

(302) 472-7300

*Attorneys for Defendant
Sandoz Inc.*

OF COUNSEL:

MCDERMOTT WILL & EMERY LLP

Jeffrey R. Gargano

Email: jgargano@mwe.com

Peter M. Siavelis

Email: psiavelis@mwe.com

Wan-Shon Lo

Email: slo@mwe.com

227 West Monroe Street, Suite 4400

Chicago, Illinois 60606

(312) 372-2000