

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:	04-md-1603 (SHS)
OXYCONTIN ANTITRUST LITIGATION	This document relates to the following cases:
PURDUE PHARMA L.P., THE P.F. LABORATORIES, INC., PURDUE PHARMACEUTICALS L.P., RHODES TECHNOLOGIES, and GRÜNENTHAL GMBH, Plaintiffs/Counterclaim Defendants, v. TEVA PHARMACEUTICALS USA, INC., Defendant/Counterclaim Plaintiff.	Case No. 11-cv-02037-SHS
PURDUE PHARMA L.P., and GRÜNENTHAL GMBH, Plaintiffs/Counterclaim Defendants, v. TEVA PHARMACEUTICALS USA, INC., Defendant/Counterclaim Plaintiff.	Case No. 12-cv-05083-SHS

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

Pursuant to Fed. R. App. P. 4(a)(4)(B), and in order to include in the appeal the Court's April 17, 2014 Order Amending Findings of Fact and Conclusions of Law and the Judgments in These Actions (04-md-1603 D.I. 647; 11-cv-2037 D.I. 164; 12-cv-05083 D.I. 60), which was entered subsequent to the filing of their original Notice of Appeal on February 12, 2014, notice is hereby given that Plaintiffs and Counterclaim Defendants Purdue Pharma L.P., The P.F.

Laboratories, Inc., Purdue Pharmaceuticals L.P., and Rhodes Technologies (collectively “Purdue”) appeal to the United States Court of Appeals for the Federal Circuit from the Judgment (04-md-1603 D.I. 637; 11-cv-2037 D.I. 150; 12-cv-5083 D.I. 46) entered in the above-captioned cases on January 22, 2014, as amended by the April 17, 2014 Order (04-md-1603 D.I. 674; 11-cv-2037 D.I. 164; 12-cv-5083 D.I. 60), and the underlying opinions, orders, and rulings on which that Judgment, as amended, was based, including the Court’s Findings of Fact and Conclusions of Law (04-md-1603 D.I. 634; 11-cv-2037 D.I. 149; 12-cv-05083 D.I. 45) dated January 14, 2014, as amended by the April 17, 2014 Order (04-md-1603 D.I. 674; 11-cv-2037 D.I. 164; 12-cv-5083 D.I. 60) and the Claim Construction Opinion & Order (04-md-1603 D.I. 568; 11-cv-2037 D.I. 102; 12-cv-05083 D.I. 27) dated August 23, 2013. All applicable fees were paid when Purdue filed its original Notice of Appeal on February 12, 2014, and pursuant to Fed. R. App. P. 4(a)(4)(B)(iii), no additional fees are required to file this amended notice.

Purdue files this Notice of Appeal out of an abundance of caution to ensure that its rights to appeal the April 17, 2014 Order are preserved. As Purdue informed the Federal Circuit in a May 1, 2014 status report requested by the Court, Purdue intends to file with this Court a motion to enter a judgment that also includes an explicit reference to Teva’s counterclaim seeking a declaratory judgment of non-infringement of the three Purdue Low ABUK patents in suit (U.S. Patent Nos. 7,674,799, 7,674,800, and 7,683,072), and of Grunenthal’s U.S. Patent 8,114,383 to ensure that the Federal Circuit has jurisdiction over Purdue’s appeal. Once that motion is filed and acted upon and a final judgment entered, Purdue will file a new notice of appeal from that final judgment, which notice will include all underlying opinions, orders, and rulings including the April 17, 2014 Order.

Dated: May 19, 2014

ROPES & GRAY LLP

/s/ Robert J. Goldman

Robert J. Goldman
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303
(650) 617-4000
robert.goldman@ropesgray.com

Christopher J. Harnett
Pablo D. Hendler
Sona De
1211 Avenue of the Americas
New York, NY 10036
(212) 596-9000
christopher.harnett@ropesgray.com
pablo.hendler@ropesgray.com
sona.de@ropesgray.com

*Attorneys for Plaintiffs/Counterclaim Defendants
Purdue Pharma L.P.,
The P.F. Laboratories, Inc.,
Purdue Pharmaceuticals L.P. and
Rhodes Technologies*