

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

ENDO PHARMACEUTICALS INC.,
and GRÜNENTHAL GMBH,

Plaintiffs,

v.

IMPAX LABORATORIES, INC. and
THORX LABORATORIES, INC.,

Defendants.

C.A. No. 12-CV-8317-TPG

**PLAINTIFF GRÜNENTHAL'S NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Plaintiff Grünenthal GmbH ("Grünenthal") appeals in the above-named action to the United States Court of Appeals for the Federal Circuit from the judgments and orders listed below:¹

1) the Judgment entered on August 24, 2015, in *Endo Pharmaceuticals Inc. and Grünenthal GmbH v. Impax Laboratories, Inc. and ThoRx Laboratories, Inc.*, Case No. 12-cv-8317 (TPG), (D.I. 155) denying Grünenthal's requests for relief;²

¹ Grünenthal notes that Plaintiffs have filed a motion pursuant to Federal Rule of Civil Procedure 60(a) to correct the Judgment entered in the above action (D.I. 156). Accordingly, the time for Grünenthal to file a Notice of Appeal from the Judgment entered in this action does not start until this Court's resolution of the pending motion at the earliest, and this Notice of Appeal becomes effective in the above action only after the motion is resolved. *See* Fed. R. App. P. 4(a)(4)(A) and Fed. R. App. P. 4(a)(4)(B)(i); *Dudley ex rel. Estate of Patton v. Penn-America Ins. Co.*, 313 F.3d 662 (2d Cir. 2001). Nevertheless, Grünenthal is filing this Notice of Appeal out of an abundance of caution should any court decide that the August 24, 2015 Judgment was a final judgment for purposes of calculating the time to appeal.

² We note that the caption in the Judgment contained certain clerical errors that are the subject of the pending Rule 60(a) motion before the District Court. The caption in the Notice of Appeal

2) the Findings of Fact and Conclusions of Law dated August 14, 2015, and entered on August 18, 2015, in *Endo Pharmaceuticals Inc. and Grünenthal GmbH v. Impax Laboratories, Inc. and ThoRx Laboratories, Inc.*, Case No. 12-cv-8317 (TPG), (D.I. 154) denying Grünenthal's requests for relief;

3) the Order entered on August 14, 2015, in *Endo Pharmaceuticals Inc. and Grünenthal GmbH v. Impax Laboratories, Inc. and ThoRx Laboratories, Inc.*, Case No. 12-cv-8317 (TPG), (D.I. 153) denying Grünenthal's requests for relief;

4) the Opinion entered on March 17, 2015, granting Defendants' Motion for Summary Judgment with respect to U.S. Patent No. 8,114,383 in *Endo Pharmaceuticals Inc. and Grünenthal GmbH v. Impax Laboratories, Inc. and ThoRx Laboratories, Inc.*, Case No. 12-cv-8317 (TPG), (D.I. 137); and

5) all opinions, orders, and rulings subsumed therein and made prior and after thereto resulting in final judgment adverse to Grünenthal's requests for relief.

Included herewith is payment of the Notice of Appeal fee (\$505.00) as required by 28 U.S.C. § 1917 and Federal Circuit Rule 52(a)(3)(A) and Federal Rules of Appellate Procedure Rule 3(e).

corrects those caption clerical errors that are the subject of the pending motion. By contrast, the other opinions and orders referred to herein contain the correct case caption.

Dated: September 11, 2015

By: /s/ Basil J. Lewris

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2015, I served the foregoing NOTICE OF APPEAL on counsel by email as follows:

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Dated: September 11, 2015

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