

**IN THE 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

**ENDO PHARMACEUTICAL INC.’S NOTICE OF APPEAL TO THE UNITED STATES  
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Plaintiff Endo Pharmaceuticals Inc. (“Endo”) appeals in the above-named case to the United States Court of Appeals for the Federal Circuit from the Judgment entered on August 24, 2015 (D.I. 155), insofar as that Judgment denies Endo’s requests for relief regarding U.S. Patent No. 8,309,060 (“the ‘060 Patent”) and claims 40 and 42 of U.S. Patent No. 8,329,216 (“the ‘216 Patent”), and from the Orders preceding that Judgment, including without limitation<sup>1</sup>:

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<sup>1</sup> Endo notes that Plaintiffs have filed a motion pursuant to Fed. R. Civ. P. 60 to correct the Judgment entered in this case. (D.I. 156). Accordingly, the time for Endo to file a Notice of Appeal from the Judgments entered in this case does not start until this Court’s resolution of the pending motion at the earliest, and this Notice of Appeal becomes effective only after that 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. 2002). Nevertheless, Endo 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.

- 1) the August 14, 2015 Findings of Fact and Conclusions of Law, entered on August 18, 2015 denying Endo's requests for relief regarding the '060 Patent and claims 40 and 42 of the '216 Patent (D.I. 154);
- 2) the August 14, 2015 Order entered denying Endo's requests for relief regarding the '060 Patent and claims 40 and 42 of the '216 Patent (D.I. 153);
- 3) the Opinion entered March 17, 2015, granting Defendant's Motion for Summary Judgment with respect to U.S. Patent No. 8,114,383 (D.I. 137); and
- 4) all opinions, orders, and rulings subsumed therein and made prior and after thereto resulting in final judgment adverse to Endo's requests for relief.

Dated: September 11, 2015

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