

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

ENDO PHARMACEUTICALS INC.,

Plaintiff,

v.

SUN PHARMACEUTICAL
INDUSTRIES, LTD., RANBAXY INC.
AND RANBAXY PHARMACEUTICALS
INC.,

Defendants.

C.A. No. 13-cv-8597-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. 97), insofar as that Judgment denies Endo’s requests for relief regarding claims 40 and 42 of U.S. Patent No. 8,329,216 (“the ‘216 Patent”), and from the Orders preceding that Judgment, including without limitation¹:

- 1) the August 14, 2015 Findings of Fact and Conclusions of Law, entered on August 18, 2015 denying Endo’s requests for relief regarding claims 40 and 42 of the ‘216 Patent (D.I. 96);

¹ Endo notes that it has filed a motion pursuant to Fed. R. Civ. P. 60 to correct the Judgment entered in this case (D.I. 98). Accordingly, the time for Endo to file a Notice of Appeal from the Judgments 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 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.

- 2) the August 14, 2015 Order entered denying Endo's requests for relief regarding claims 40 and 42 of the '216 Patent (D.I. 95); and
- 3) all opinions, orders, and rulings subsumed therein and made prior and after thereto resulting in entry of final judgment adverse to Endo's requests for relief.

Dated: September 11, 2015

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