

**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.

12-cv-8317-TPG-GWG

NOTICE OF APPEAL

Notice is hereby given that Defendants Impax Laboratories, Inc. and ThoRx Laboratories, Inc. (“Impax”) in the above-named case appeal to the United States Court of Appeals for the Federal Circuit from the final judgment entered on August 24, 2015,¹ and the order and decision dated August 14, 2015, together with all subsidiary rulings and decisions in this matter.

September 21, 2015

Respectfully submitted,

By: /s/ Scott R. Samay

Scott R. Samay
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166

¹ Impax notes that Plaintiffs have filed a motion pursuant to Fed. R. Civ. P. 60 to correct the Judgment entered in this case. *See* Dkt. 156. Accordingly, the time for Impax to file its Notice of Appeal 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). Nevertheless, Impax is filing this Notice of Appeal out of an abundance of caution. As of the time of the filing of this Notice of Appeal, the Court has not addressed Plaintiffs’ motion. If Plaintiffs’ motion is granted, Impax reserves the right to file an amended notice of appeal addressing any corrected judgment that may be issued by the Court.

(212) 294-6700

Maureen L. Rurka
Kevin E. Warner
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
(312) 558-5600

*Attorneys for Defendants Impax
Laboratories, Inc. and ThoRx
Laboratories, Inc.*

CERTIFICATE OF SERVICE

This is to certify that on this 21st day of September 2015, a true and correct copy of the foregoing **NOTICE OF APPEAL** was caused to be served by ECF and/or e-mail on the following counsel of record:

Robert D. Rhoad
Brian M. Goldberg
DECHERT LLP
902 Carnegie Center, Suite 500
Princeton, NJ 08540
(609) 955-3200
robert.rhoad@dechert.com
brian.goldberg@dechert.com

Stephen D. Hoffman
Eric Brian LaMons
WILK AUSLANDER LLP
1515 Broadway, 43rd Floor
New York, NY 10036
(212) 981-2309
shoffman@wilkauslander.com
elamons@wilkauslander.com

Blake B. Greene
DECHERT LLP
300 W. 6th Street, Suite 2010
Austin, TX 78701
(512) 394-3000
blake.greene@dechert.com

Basil James Lewris
Joann M. Neth
Jennifer Howe Roscetti
Erin Mcgeehan Sommers
Marianne Simone Terrot
Anthony C. Tridico
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 New York Avenue, N.W.
Washington, DC 20001
(202)-408-4000
bill.lewris@finnegan.com
joann.neth@finnegan.com
jennifer.roscetti@finnegan.com
erin.sommers@finnegan.com
marianne.terrot@finnegan.com
Anthony.tridico@finnegan.com

Martin J. Black
Sharon K. Gagliardi
DECHERT LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104
(215) 994-4000
martin.black@dechert.com
sharon.gagliardi@dechert.com

Jonathan D. Loeb
DECHERT LLP
2440 W. El Camino Real, Suite 700
Mountain View, CA 94040
(650) 813-4800
jonathan.loeb@dechert.com

Dated: September 21, 2015

By: /s/ Scott R. Samay