

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

**ENDO PHARMACEUTICALS INC. and
GRÜNENTHAL GMBH,**

Plaintiffs,

v.

IMPAX LABORATORIES, INC.,

Defendant.

13-cv-435-TPG-GWG

NOTICE OF APPEAL

Notice is hereby given that Defendant Impax Laboratories, Inc. (“Impax”) in the above-named case appeals 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

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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. 137. 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.

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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:

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Dated: September 21, 2015

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