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*Otsuka Pharmaceutical Co., Ltd.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

	)	
OTSUKA PHARMACEUTICAL CO., LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.: 15-cv-00161-JBS-KMW
	)	
HETERO DRUGS LIMITED, HETERO	)	
LABS LIMITED and HETERO USA, INC.,	)	
	)	
Defendants.	)	
	)	

**OTSUKA’S NOTICE OF APPEAL**

Notice is hereby given that Otsuka Pharmaceutical Co., Ltd. (“Otsuka”) appeals to the United States Court of Appeals for the Federal Circuit from the Joint Stipulation and Order for Entry of Partial Rule 56 Summary Judgment of Noninfringement concerning U.S. Patent No. 8,759,350 (“the ’350 patent”) (D.I. 146) issued by the United States District Court for the District of New Jersey (Camden) on February 9, 2016, and certified by the Court as final pursuant to Fed. R. Civ. P. 54(b) on April 12, 2016 (D.I. 173, 172). The Joint Stipulation and Order for Entry of Partial Rule 56 Summary Judgment of Noninfringement was based on the District Court’s construction of the claim terms “a/the pharmaceutical composition” and “in

combination with,” as they appear in the claims of the ’350 patent. (*See, e.g.*, D.I. 172 at 3.) Otsuka further appeals all findings of fact and conclusions of law, opinions, orders, and rulings insofar as they relate to those claim terms or to any other issue addressed in the Joint Stipulation and Order for Entry of Partial Rule 56 Summary Judgment of Noninfringement, including, inter alia, the District Court’s Markman Order (D.I. 131) and accompanying Opinion (D.I. 130) and its Order denying Otsuka’s Motion for Temporary Restraining Order (D.I. 73) and accompanying Opinion (D.I. 71, 72).

Date: April 29, 2016

Respectfully submitted,

s/ Melissa A. Chuderewicz  
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing **Notice of Appeal** was served on all counsel of record via ECF and by the undersigned on April 29, 2016, via electronic mail to:

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Dated: April 29, 2016

/s/ Melissa A. Chuderewicz  
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