

Melissa A. Chuderewicz
PEPPER HAMILTON LLP
(A Pennsylvania Limited Liability Partnership)
Suite 400
301 Carnegie Center
Princeton, New Jersey 08543-5276
Phone: (609) 452-0808
Fax: (609) 452-1147
chuderem@pepperlaw.com

Attorneys for Plaintiff
Otsuka Pharmaceutical Co., Ltd.

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

_____)	
OTSUKA PHARMACEUTICAL CO., LTD.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 14-cv-08077-JBS-KMW
)	
SCIEGEN PHARMACEUTICALS INC.,)	
BACTOLAC PHARMACEUTICAL, INC. and)	
HETERO LABS LIMITED,)	
)	
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. 119) issued by the United States District Court for the District of New Jersey (Camden) on February 22, 2016, and certified by the Court as final pursuant to Fed. R. Civ. P. 54(b) on April 12, 2016 (D.I. 135, 134). 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. 134 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. 100) and accompanying Opinion (D.I. 99) and its Order dismissing Otsuka's Motion for Temporary Restraining Order (D.I. 42).

Date: April 29, 2016

Respectfully submitted,

s/ Melissa A. Chuderewicz
Melissa A. Chuderewicz
PEPPER HAMILTON LLP
(A Pennsylvania Limited Liability Partnership)
Suite 400
301 Carnegie Center
Princeton, New Jersey 08543-5276
Phone: (609) 452-4808
chuderem@pepperlaw.com

Attorneys for Plaintiff
Otsuka Pharmaceutical Co., Ltd.

Of counsel:

James B. Monroe
Paul W. Browning
Eric J. Fues
Denise Main
FINNEGAN, HENDERSON,
FARABOW, GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, DC 20001-4413
(202) 408-4000

Attorneys for Plaintiff
Otsuka Pharmaceutical Co., Ltd.

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:

Attorneys for Defendants
ScieGen Pharmaceuticals Inc. and Bactolac Pharmaceuticals, Inc.

Frank D. Rodriguez
Dmitry V. Shelhoff
BUDD LARNER P.C.
150 John F. Kennedy Parkway
Short Hills, NJ 07078-2703
(973) 379-4800
frodriquez@buddlerner.com
dshelhoff@buddlerner.com

Attorneys for Defendant
Hetero Labs Limited

Michael S. Weinstein
COLE SCHOTZ P.C.
Court Plaza North
25 Main Street
P.O. Box 800
Hackensack, NJ 07602
(201) 525-6321
mweinstein@coleschotz.com

Margaret E. Ives
Phoebe Fischer-Groban
Irina Oberman Khagi
CHOATE HALL & STEWART LLP
Two International Place
Boston, MA 02110
(617) 248-5000
mives@choate.com
pfischergroban@choate.com
iobermankhagi@choate.com

Dated: April 29, 2016

/s/ Melissa A. Chuderewicz
Melissa A. Chuderewicz