

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-07252-JBS-KMW
)	
ZYDUS PHARMACEUTICALS USA INC.)	
and CADILA HEALTHCARE 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. 164) issued by the United States District Court for the District of New Jersey (Camden) on January 19, 2016, and certified as final by the Court pursuant to Fed. R. Civ. P. 54(b) on April 12, 2016 (D.I. 199, 198). 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. 198 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. 142) and accompanying Opinion (D.I. 141) and its Order denying Otsuka’s Motion for Temporary Restraining Order (D.I. 68) and accompanying Opinion (*see Otsuka Pharm. Co. Ltd. v. Zydus Pharm. USA Inc.*, No. 14-cv-3168 (D.N.J.) 14-cv-3168, D.I. 104, 105).

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

Zydus Pharmaceuticals USA Inc. and Cadila Healthcare Limited

Trent S. Dickey
Vincent R. Lodato
SILLS CUMMIS & GROSS P.C.
The Legal Center
One Riverfront Plaza
Newark, NJ 07102
(973) 643-7000
tdickey@sillscummis.com
vlodato@sillscummis.com

Chad A. Landmon
Jason T. Murata
Jeremy Lowe
AXINN, VELTROP & HARKRIDER LLP
90 State House Square, 9th Floor
Hartford, CT 06103-3704
(860) 275-8100
clandmon@axinn.com
jmurata@axinn.com
jlowe@axinn.com

Delphine Knight Brown
Dan-Feng Mei
AXINN, VELTROP & HARKRIDER LLP
114 West 47th Street
New York, NY 10036
(212) 728-2200
dknightbrown@axinn.com
dmei@axinn.com

Brett M Garrison
AXINN, VELTROP & HARKRIDER LLP
950 F Street N.W., 7th Floor
Washington, DC 20004
(202) 912-4700
bgarrison@axinn.com

Dated: April 29, 2016

/s/ Melissa A. Chuderewicz
Melissa A. Chuderewicz