

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-05876-JBS-KMW
	)	
AJANTA PHARMA LIMITED, AJANTA	)	
PHARMA USA INC. and AUROBINDO	)	
PHARMA 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. 156) issued by the United States District Court for the District of New Jersey (Camden) on March 9, 2016, and certified as final by the Court pursuant to Fed. R. Civ. P. 54(b) on April 12, 2016 (D.I. 169, 168). 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. 168 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. 132) and accompanying Opinion (D.I. 131) and its Order dismissing Otsuka's Motion for Temporary Restraining Order (D.I. 78).

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

**Ajanta Pharma Limited and Ajanta Pharma USA Inc.**

Karen A. Confoy  
Christopher Robert Kinkade  
FOX ROTHSCHILD LLP  
Princeton Pike Corporate Center  
997 Lenox Drive Building 3  
Lawrenceville, NJ 08648  
(609) 844-3033  
kconfoy@foxrothschild.com  
ckinkade@foxrothschild.com

Sailesh K. Patel  
Imron T. Aly  
Jason G. Harp  
Helen Ji  
SCHIFF HARDIN LLP  
233 S. Wacker Dr., Suite 6600  
Chicago, IL 60606  
(312) 258-5500  
spatel@schiffhardin.com  
ialy@schiffhardin.com  
jharp@schiffhardin.com  
hji@schiffhardin.com

John K. Hsu  
SCHIFF HARDIN LLP  
901 K Street NW #700  
Washington, DC 20001  
(202) 778-6467  
jhsu@schiffhardin.com

George Yu  
SCHIFF HARDIN LLP  
One Market Street  
Spear Street Tower, Suite 3200  
San Francisco, CA 94105  
(415) 901-8749  
gyu@schiffharding.com

Attorneys for Defendants

**Aurobindo Pharma Limited, Aurobindo Pharma USA, Inc. and Aurolife Pharma LLC**

Jonathan M. Korn  
BLANK ROME LLP  
301 Carnegie Center, Third Floor  
Princeton, NJ 08540  
(609) 750-7700  
korn@blankrome.com

Christopher K. Hu  
BLANK ROME LLP  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174  
(212) 885-5000

chu@blankrome.com

Brian Wm. Higgins  
BLANK ROME LLP  
The Watergate  
600 New Hampshire Avenue NW  
Washington, DC 20037  
(202) 772-5814  
higgins@blankrome.com

Dated: April 29, 2016

/s/ Melissa A. Chuderewicz  
Melissa A. Chuderewicz