

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.: 15-cv-01585-JBS-KMW
	)	
AMNEAL PHARMACEUTICALS LLC and	)	
AMNEAL PHARMACEUTICALS INDIA	)	
PVT. LTD.,	)	
	)	
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. 116) 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. 137, 136). 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. 136 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. 102) and accompanying Opinion (D.I. 101) and its Order dismissing Otsuka's Motion for Temporary Restraining Order (D.I. 33).

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:

Attorney for Defendants

**Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals India Pvt. Ltd**

Rebekah R. Conroy  
BROWN MOSKOWITZ &  
KALLEN, P.C.  
180 River Road  
Summit, NJ 07901  
(973) 376-0909  
rconroy@bmk-law.com

Ronald M. Daignault  
POLSINELLI, P.C.  
900 Third Avenue, 21<sup>st</sup> Floor  
New York, NY 10022  
(212) 803-9907  
rdaignault@polsinelli.com

Karen Z. Morris  
POSINELLI, P.C.  
100 S. Fourth Street  
Suite 1000  
St. Louis, MO 63102  
(314) 552-6894  
kzmorris@polsinelli.com

Dated: April 29, 2016

/s/ Melissa A. Chuderewicz  
Melissa A. Chuderewicz