

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

APOTEX, INC.,

Plaintiff,

v.

**DAIICHI SANKYO, INC. and
DAIICHI SANKYO CO., LTD.**

Defendants,

MYLAN PHARMACEUTICALS INC.

Intervenor-Defendant.

Case No.: 12-CV-09295

**Judge Sharon Johnson Coleman
Magistrate Judge Mary M. Rowland**

APOTEX, INC.,

Plaintiff,

v.

**DAIICHI SANKYO, INC. and
DAIICHI SANKYO CO., LTD.**

Defendants,

MYLAN PHARMACEUTICALS INC.

Intervenor-Defendant.

Case No.: 15-CV-03695

**Judge Sharon Johnson Coleman
Magistrate Judge Mary M. Rowland**

NOTICE OF APPEAL

Notice is hereby given that Defendants Daiichi Sankyo, Inc. and Daiichi Sankyo Co., Ltd. (collective "Daiichi Sankyo") hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgments (D.I. 153 in C.A. No. 12-cv-9295, D.I. 82 in C.A. No.

15-cv-3695) entered on March 2, 2016, the Memorandum Opinions and Orders (D.I. 135 in C.A. No. 12-cv-9295, D.I. 66 in C.A. No. 15-cv-3695) entered on January 8, 2016 granting Plaintiff Apotex, Inc.'s summary judgment motions, the Orders (D.I. 167 in C.A. No. 12-cv-9295, D.I. 97 in C.A. No. 15-cv-3695) entered on April 13, 2016 denying Daiichi Sankyo's motions under Fed. R. Civ. P. 59(e) to alter or amend the judgments, and from all other rulings, orders, decrees, or judgments subsumed therein or otherwise now appealable as of right in these actions.

Respectfully submitted,

Dated: May 13, 2016

/s/ David C. Van Dyke
David C. Van Dyke (#6204705)
Emily E. Bennett (#6305461)
Howard & Howard
200 S. Michigan Avenue, Suite 1100
Chicago, Illinois 60604
Telephone: (312) 456-3641
Facsimile: (312) 939-5617
Email: dvd@h2law.com
eeb@h2law.com

Dominick A. Conde (*Pro Hac Vice*)
Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas, 17th Floor
New York, NY 10104
Telephone: (212) 218-2255
Facsimile: (212) 218-2200
Email: dconde@fchs.com

*Attorneys for Defendants Daiichi Sankyo, Inc. and
Daiichi Sankyo Co., Ltd.*

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2016, I provided service to all counsel by causing a true and correct copy of *Notice of Appeal* to be served on all counsel of record by electronic mail and/or as agreed to by the parties:

Dated: May 13, 2016

/s/ David C. Van Dyke
David C. Van Dyke (#6204705)
Emily E. Bennett (#6305461)
Howard & Howard
200 S. Michigan Avenue, Suite 1100
Chicago, Illinois 60604
Telephone: (312) 456-3641
Facsimile: (312) 939-5617
Email: dvd@h2law.com
eeb@h2law.com

Dominick A. Conde (*Pro Hac Vice*)
Fitzpatrick, Cella, Harper & Scinto
1290 Avenue of the Americas, 17th Floor
New York, NY 10104
Telephone: (212) 218-2255
Facsimile: (212) 218-2200
Email: dconde@fchs.com

*Attorneys for Defendants Daiichi Sankyo, Inc. and
Daiichi Sankyo Co., Ltd.*