

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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IN RE BENDAMUSTINE CONSOLIDATED)	C.A. No. 13-2046-GMS
CASES)	
)	(CONSOLIDATED)
)	

DEFENDANTS’ NOTICE OF APPEAL

Notice is hereby given that Defendants Hetero Labs Ltd. and Hetero USA Inc.; InnoPharma, Inc.; Accord Healthcare, Inc. and Intas Pharmaceuticals Ltd.; Hospira, Inc.; and Sagent Pharmaceuticals, Inc. in the above captioned matter (collectively, “Defendants”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the portions of the June 10, 2016, Order (D.I. 473, ¶¶ 1-3, 5) and the June 10, 2016 Memorandum (D.I. 472) holding not invalid certain asserted claims (*i.e.*, all asserted claims other than Claims 19-21 of U.S. Patent No. 8,791,270), and from all underlying or other decisions, orders, rulings, and findings adverse to Defendants.

Out of an abundance of caution, Defendants file this Notice of Appeal within thirty days of the Court’s June 10, 2016 Order and Memorandum (D.I. 472, 473). Defendants do not believe that the Court’s June 10, 2016 Order and Memorandum are final or appealable absent entry of Final Judgment, which has not occurred. However, Defendants file this Notice of Appeal now as a precautionary measure. (*See* Fed. R. App. P. 4(a)(2).) Defendants understand that the Court intends to enter Final Judgment at a later date, following the filing of the parties’ proposed judgment(s). (D.I. 478.) Defendants may file a Supplemental Notice of Appeal as needed within thirty days of the entry of Final Judgment to further appeal from the portions of

the Final Judgment that hold asserted claims not invalid.

In accordance with 28 U.S.C. §§ 1913 and 1917, Rule 52 of the Federal Circuit Rules of Practice, and Federal Rule of Appellate Procedure 3(e), Defendants are submitting, contemporaneously with the filing of this Notice of Appeal, payment of \$505.00, representing the \$500.00 docketing fee and the \$5.00 filing fee.

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