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11 *Additional counsel listed on signature page*

12
13 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
14 **(SAN JOSE DIVISION)**

15 GILEAD SCIENCES, INC.,
16 Plaintiff and Counterdefendant,
17 v.
18 MERCK & CO, INC. (Defendant only), MERCK
SHARP & DOHME CORP. and ISIS
19 PHARMACEUTICALS, INC.,
20 Defendants and Counterclaimants.

Case No. 5:13-cv-04057-BLF/NMC

**GILEAD SCIENCES, INC.’S NOTICE OF
CROSS APPEAL**

1 Notice is hereby given that Plaintiff, Gilead Sciences, Inc., cross appeal to the United States
2 Court of Appeals for the Federal Circuit from the Order entering Final Judgment in this action
3 denying as moot Gilead's JMOL on invalidity entered on August 16, 2016 (D.I. 460), and from
4 any and all other adverse rulings, whether oral or written, that are incorporated in, antecedent to,
5 or ancillary to the Judgment; and any and all adverse interlocutory orders, judgments, decrees,
6 decisions, rulings, and opinions, whether oral or written, that merged into and become part of the
7 Judgment, that shaped the Judgment, that are related to the Judgment, and upon which the
8 Judgment is based; including, but not limited to, the Final Judgment entered on June 6, 2016 (D.I.
9 423), the Executed Jury Verdict dated March 22, 2016 (D.I. 388), and the Final Jury Instructions
10 dated March 16, 2016 (D.I. 352).

11 A payment of \$505 representing the \$5 filing fee required by 28 U.S.C. § 1917 and the
12 \$500 docketing fee required by Federal Circuit Rule 52(a)(3)(A) is transmitted via this Court's
13 online payment system with this Notice of Cross Appeal, pursuant to Federal Rule of Appellate
14 Procedure 3(e) and Federal Circuit Rule 52(a)(2).

15
16 Dated: September 2, 2016

FISH & RICHARDSON P.C.

17 By: /s/ Jonathan E. Singer

Jonathan E. Singer

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CERTIFICATE OF SERVICE

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The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on August ____, 2016, to all counsel of record who are deemed to have consented to electronic service via the Court’s CM/ECF system per Civil Local Rule 5-1(h)(1).

 /s/
Jonathan E. Singer