

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|--------------------------------|---|-----------------------------|
| BAYER PHARMA AG, BAYER |) | |
| INTELLECTUAL PROPERTY GMBH and |) | |
| BAYER HEALTHCARE |) | |
| PHARMACEUTICALS INC., |) | |
| |) | |
| Plaintiffs, |) | C.A. No 12-1726 (LPS) (CJB) |
| |) | |
| v. |) | |
| |) | |
| WATSON LABORATORIES, INC., |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT WATSON LABORATORIES, INC.’S NOTICE OF APPEAL
TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

NOTICE is hereby given in the above-named case that Defendant Watson Laboratories, Inc. hereby appeals to the United States Court of Appeals for the Federal Circuit the Final Judgment entered on December 28, 2016 (D.I. 166), including all underlying and/or interlocutory orders, decisions, and rulings that relate to or gave rise to that final judgment, for example, without limitation, the Court’s Memorandum Opinion for the U.S. Patent No. 8, 071,577 (D.I. 153), and any adverse evidentiary decisions, as well as any and all orders adverse to Watson.

Consistent with Rule 4(a) of the Federal Rules of Appellate Procedure, this Notice of Appeal is being filed within 30 days of the entry of the District Court’s December 28, 2016 Final Judgment.

Submitted herewith is payment of the filing fee (\$5.00) and docketing fee (\$500.00) as required by 28 U.S.C. Section 1917, Federal Circuit 52(a)(3)(A), Federal Rules of Appellate Procedure 3(e), and the United States District Court for the District of Delaware fee schedule (effective June 1, 2016).

HEYMAN ENERIO GATTUSO & HIRZEL LLP

Dated: January 26, 2017

/s/ Dominick T. Gattuso

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