

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

ALLERGAN SALES, LLC,

Plaintiff,

v.

SANDOZ, INC., et al.,

Defendants.

Case No. 2:12-cv-00207 LEAD CASE

Judge Rodney Gilstrap

SANDOZ, INC.,

Counterclaim Plaintiff,

v.

ALLERGAN SALES, LLC AND
ALLERGAN, INC.,

Counterclaim Defendants.

Civil Action No. 2:15-cv-00347

Judge Rodney Gilstrap

**NOTICE OF CROSS-APPEAL TO THE UNITED STATES COURT OF APPEALS FOR
THE FEDERAL CIRCUIT**

NOTICE IS HEREBY GIVEN that, pursuant to Federal Rules of Appellate Procedure 3 and 4, plaintiff Allergan Sales, LLC cross-appeals to the United States Court of Appeals for the Federal Circuit the Opinion and Final Judgment (Dkt. 353 in 2:14-cv-207 LEAD CASE and Dkt. 51 in No. 2:15-cv-00347) entered on December 30, 2016 as to non-infringement of U.S. Patent Nos. 7,030,149 and 7,320,976; and from any and all other adverse rulings, whether oral or written, that are incorporated in, antecedent to, or ancillary to the Judgment; and any and all adverse interlocutory orders, judgments, decrees, decisions, rulings, and opinions, whether oral or written, that merged into and become part of the Judgment, that shaped the Judgment, that are

related to the Judgment, and upon which the Judgment is based; including, but not limited to: the Findings of Fact and Conclusions of Law (Dkt. 352 in 2:14-cv-207 LEAD CASE and Dkt. 50 in No. 2:15-cv-00347) entered on December 30, 2016 as to non-infringement of U.S. Patent Nos. 7,030,149 and 7,320,976; the Memorandum Opinion and Order denying Allergan's motions for summary judgment (Dkt. 314 in 2:14-cv-207 LEAD CASE) entered on September 30, 2016; and the Memorandum Opinion and Order on claim construction and preclusion (Dkt. 241 in 2:14-cv-207 LEAD CASE) entered on March 29, 2016.

Date: January 27, 2017

FISH & RICHARDSON P.C.

/s/ Deanna J. Reichel

Deanna J. Reichel (MN Bar No. 0326513)

reichel@fr.com

FISH & RICHARDSON P.C.

60 South Sixth Street, Suite 3200

Minneapolis, MN 55402

Telephone: (612) 335-5070

Susan Morrison Coletti (DE Bar No. 4690)

coletti@fr.com

Robert M. Oakes (*Pro Hac Vice*)

oakes@fr.com

Santosh V. Coutinho (*Pro Hac Vice*)

coutinho@fr.com

FISH & RICHARDSON P.C.

222 Delaware Avenue, 17th Flr, P.O. Box 1114

Wilmington, DE 19899-1114

Telephone: (302) 652-5070

Jonathan E. Singer (MN Bar No. 283459)

singer@fr.com

Juanita Brooks (CA Bar No. 75934))

brooks@fr.com

Roger Denning (CA Bar No. 228998)

denning@fr.com

FISH & RICHARDSON P.C.

12390 El Camino Real

San Diego, CA 92130

Telephone: (858) 678-5070

Gregory P. Love (TX Bar No. 24013060)
greg@lovetrialfirm.com
LOVE LAW FIRM
107 East Main Street
Henderson, TX 75652
Telephone: (903) 212-4444
Facsimile: (903) 392-2267

Counsel for Plaintiff and Counterclaim
Defendant
ALLERGAN SALES, LLC. AND
ALLERGAN, INC.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 27th day of January, 2017.

/s/ Deanna J. Reichel _____