

John E. Flaherty  
Ravin R. Patel  
Guillermo C. Artiles  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
(973) 622-4444

*Attorneys for Plaintiffs  
Horizon Pharma, Inc. and  
Horizon Pharma USA, Inc.*

Susan M. Krumplitsch  
COOLEY LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
(650) 843-5000

Ellen A. Scordino  
COOLEY LLP  
500 Boylston Street  
Boston, MA 02116-3736  
(617) 937-2300

James B. Monroe  
Danielle C. Pfifferling  
FINNEGAN, HENDERSON,  
FARABOW, GARRETT &  
DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413  
(202) 408-4000

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

HORIZON PHARMA, INC., HORIZON  
PHARMA USA, INC., and POZEN INC.,

Plaintiffs,

v.

ACTAVIS LABORATORIES FL., INC.,  
and ACTAVIS PHARMA, INC.,

Defendants.

Civil Action Nos. 13-3038, 15-3322,  
15-8523, 15-8524, 16-0426 and 16-4916  
(MLC) (DEA)

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Horizon Pharma Inc. and Horizon Pharma USA, Inc. appeal to the United States Court of Appeals for the Federal Circuit from the January 10, 2017 Order of Dismissal, amended on February 8, 2017, dismissing Actavis Laboratories FL., Inc. and Actavis Pharma, Inc. (“Actavis”) (Case No. 13-cv-3038-MLC-DEA, D.E. 112, 120; Case No. 15-cv-3322-MLC-DEA, D.E. 81, 93; Case No. 15-cv-8523-MLC-DEA, D.E. 32, 39; Case No. 15-cv-8524-MLC-DEA, D.E. 30, 37; Case No. 16-cv-0426-MLC-DEA, D.E. 26, 33; Case No. 16-cv-4916-MLC-DEA, D.E. 40, 51) issued by the United States District Court for the District of

New Jersey, and all underlying rulings and orders that gave rise to the Order of Dismissal, including the December 30, 2016 Opinion and Order (Case No. 13-3038-MLC-DEA, D.E. 104 and 105) adopting the December 22, 2016 Report and Recommendation (Case No. 13-3038-MLC-DEA, D.E. 91), and granting Actavis's Motion to Compel Enforcement of the Settlement Agreement (Case No. 13-cv-3038, D.E. 85).

This Notice of Appeal is filed with payment to the United States District Court for the District of New Jersey of the \$500 fee required under 28 U.S.C. § 1913 and Federal Circuit Rule 52(a)(3)(A), and payment of the \$5 fee required under 28 U.S.C. § 1917.

Dated: February 9, 2017

Respectfully submitted,

Susan M. Krumplichtsch  
COOLEY LLP  
3175 Hanover Street  
Palo Alto, CA 94304-1130  
(650) 843-5000

Ellen A. Scordino  
COOLEY LLP  
500 Boylston Street  
Boston, MA 02116-3736  
(617) 937-2300

*Of Counsel for Plaintiff Horizon Pharma, Inc. and Horizon Pharma USA, Inc.*

s/ John E. Flaherty  
John E. Flaherty  
Ravin R. Patel  
Guillermo C. Artiles  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
(973) 622-4444

*Attorneys for Plaintiffs Horizon Pharma, Inc. and Horizon Pharma USA, Inc.*

James B. Monroe  
Danielle C. Pfifferling  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 New York Avenue, NW  
Washington, DC 20001-4413  
(202) 408-4000

*Of Counsel for Plaintiff Horizon Pharma, Inc. and Horizon Pharma USA, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true copies of the foregoing Notice of Appeal was caused to be served on February 9, 2017 via email and/or the ECF system upon all counsel of record.

*s/John E. Flaherty*  
John E. Flaherty