

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENDO PHARMACEUTICALS INC. and)	
MALLINCKRODT LLC,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 14-1381 (RGA)
)	
ACTAVIS LLC (f/k/a ACTAVIS INC.),)	
ACTAVIS SOUTH ATLANTIC LLC, and)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Defendants.)	

**ENDO PHARMACEUTICAL INC.’S NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Plaintiff Endo Pharmaceuticals Inc. (“Endo”) appeals in the above-named case to the United States Court of Appeals for the Federal Circuit from the March 1, 2017, Partial Final Judgment Under FED. R. CIV. P. 54(b) (D.I. 190), insofar as that Judgment denies Endo’s requests for relief regarding U.S. Patent No. 8,808,737 (“the ‘737 Patent”), and from the Orders preceding that Judgment, including without limitation¹:

¹ This case is related to *Endo Pharms. Inc., et al. v. Teva Pharms. Inc. et al.*, 14-1389 (RGA) (D. Del.) (the “Teva Action”) and *Endo Pharms. Inc., et al. v. Amneal Pharms., LLC. et al.*, 14-1382 (RGA) (D. Del.) (the “Amneal Action”), in that the Court’s November 17, 2015 Order Adopting Judge Thyng’s Report and Recommendation to dismiss Endo’s claims against Actavis for infringement of the ‘737 patent was adopted by stipulation in the Teva and Amneal Actions. The Teva and Amneal Actions are currently consolidated on appeal at the Federal Circuit in case nos. 2017-1094, -1240 and 2017-1444, -1455. Endo’s Principal Cross-Appeal brief addressing the ‘737 patent ruling is due May 1, 2017. To promote judicial economy, the District of Delaware entered Partial Final Judgment on the ‘737 patent issue so that Actavis could respond to Endo’s Principal Cross-Appeal brief at the same time as Teva and Amneal so that the Federal Circuit need not revisit the issue again after the Actavis case reaches final judgment.

- 1) Magistrate Judge Thyng's September 23, 2015, Report and Recommendation in recommending that Endo's claims against Actavis for infringement of the '737 patent be dismissed on the grounds that the '737 patent is invalid under 35 U.S.C. § 101 (D.I. 51);
- 2) This Court's November 17, 2015 Order Adopting Judge Thyng's Report and Recommendation over Endo's objections, and accordingly dismissing Endo's claims against Actavis for infringement of the '737 patent (D.I. 67);
- 3) This Court's February 8, 2017 Order Dismissing Endo's claims for infringement of the '737 patent in Counts I, III and IV of Endo's Amended Complaint (D.I. 172); and
- 4) all opinions, orders, and rulings subsumed therein and made prior and after thereto resulting in the partial final judgment adverse to Endo's requests for relief with regard to the '737 patent.

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March 31, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2017, I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused to be served copies of the foregoing document on March 31, 2017, upon the following in the manner indicated:

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