

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE BENDAMUSTINE CONSOLIDATED CASES

C.A. No. 13-2046-GMS (consolidated)

PLAINTIFF'S NOTICE OF CROSS-APPEAL

PLEASE TAKE NOTICE that Plaintiff Cephalon, Inc., cross-appeals to the U.S. Court of Appeals for the Federal Circuit from all aspects of the Court's Final Judgment (D.I. 506) resolved adversely to Plaintiff, including all prior interlocutory orders, rulings, and decisions resolved adversely to Plaintiff. Without limitation, Plaintiff specifically appeals from:

Aspects of the Final Judgment holding invalid claims 19-21 of U.S. Patent No. 8,791,270 and denying Plaintiff's requested declaratory judgment, injunction, and other relief with respect to those claims;

The corresponding portions of the post-trial Memorandum and Order (D.I. 472 and 473);

Aspects of the Final Judgment granting InnoPharma Inc. judgment of noninfringement of U.S. Patent Nos. 8,436,190 and 8,609,863 and denying Plaintiff's requested relief against InnoPharma with respect to those patents, including declaratory judgment, injunction, and relief under 35 U.S.C. § 271(e)(4)(A); and

The corresponding Memorandum and Order (D.I. 325 and 326) on certain Defendants' Motion for Judgment on the Pleadings.

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