

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FOREST LABORATORIES, LLC and)	
FOREST LABORATORIES HOLDINGS,)	
LTD.,)	
)	
Plaintiffs,)	C.A. No. 14-1119 (SLR)(SRF)
)	CONSOLIDATED
v.)	
)	C.A. No. 15-0158 (SLR)(SRF)
SIGMAPHARM LABORATORIES, LLC, et)	C.A. No. 15-0430 (SLR)(SRF)
al.,)	C.A. No. 14-1504 (SLR)(SRF)
)	C.A. No. 14-1266 (SLR)(SRF)
Defendants.)	

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

Notice pursuant to 28 U.S.C. § 1295(a)(1) and Federal Rules of Appellate Procedure 3 and 4(a)(3) is given that Plaintiffs Forest Laboratories, LLC (f/k/a Forest Laboratories, Inc.) and Forest Laboratories Holdings, Ltd. (collectively, “Plaintiffs”) hereby cross-appeal to the United States Court of Appeals for the Federal Circuit from the following:

1) the district court’s final judgment of non-infringement of claims 4, 9, and 10 of U.S. Patent No 5,763,476 (the “’476 patent”) as to Defendants Alembic Pharmaceuticals Ltd., Alembic Global Holding SA, Alembic Pharmaceuticals, Inc. (collectively, “Alembic”), and Breckenridge Pharmaceutical, Inc. (“Breckenridge”), entered on July 11, 2017 pursuant to Federal Rule of Civil Procedure 54(b) (D.I. 325 in C.A. No. 14-1119 (SLR)(SRF) LEAD CASE; D.I. 14 in C.A. No. 15-158 (SLR)(SRF); and D.I. 23 in C.A. 14-1504 (SLR)(SRF));

2) those issues decided adversely to Plaintiffs with respect to the district court’s construction of claim 4 the ’476 patent, and the claims depending therefrom, as set forth in the district court’s Memorandum Order Re: Claim Construction, dated January 29, 2016 (D.I. 133 in C.A. 14-1119 (SLR)(SRF) LEAD CASE).

3) any and all other adverse findings, holdings, rulings, determinations, conclusions, orders, claim constructions, opinions, and decisions, whether oral or written, decided adversely to Plaintiffs, including those relating to, incorporated in, antecedent to, pertinent to, or ancillary to the district court's opinion and order entered on June 30, 2017 (D.I. 322 and 323 in C.A. 14-1119 (SLR)(SRF) LEAD CASE) and the district court's final judgment entered on July 11, 2017 (D.I. 325 in C.A. No. 14-1119 (SLR)(SRF) LEAD CASE; D.I. 14 in C.A. No. 15-158 (SLR)(SRF); D.I. 24 in C.A. No. 15-430 (SLR)(SRF); D.I. 23 in C.A. 14-1504 (SLR)(SRF); and D.I. 26 in 14-1266 (SLR)(SRF), and including, but not limited to the district court's Memorandum Order Re: Claim Construction entered on January 29, 2016 (D.I. 133 in C.A. No. 14-1119 (SLR)(SRF) LEAD CASE); the Joint Stipulation of Entry and Order of Adverse Judgment and Dismissal of Counterclaims of U.S. Patent Nos. 7,741,358 and 8,022,228 as to Defendants Hikma Pharmaceuticals, LLC, Hikma Pharmaceuticals, PLC, and West-Ward Pharmaceutical Corp. (collectively, "Hikma") ordered by the district court on March 28, 2016 (D.I. 174 in C.A. 14-1119 (SLR)(SRF) LEAD CASE); the Judgment of Non-Infringement and Order of Dismissal of Counterclaims as to Breckenridge ordered by the district court on April 5, 2016 (D.I. 178 in C.A. 14-1119 (SLR)(SRF) LEAD CASE); and the Joint Stipulation of Entry and Order of Adverse Judgment and Dismissal of Counterclaims of U.S. Patent Nos. 7,741,358 and 8,022,228 as to Sigmapharm Laboratories, LLC ("Sigmapharm") ordered by the district court on April 18, 2016 (D.I. 181 in C.A. 14-1119 (SLR)(SRF) LEAD CASE).

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$500.00) as required by 28 U.S.C. §§ 1913, 1917, Federal Circuit Rule 52(a)(3)(A), and Federal Rule of Appellate Procedure 3(e).

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August 9, 2017

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2017, I caused the foregoing to be electronically filed 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 copies of the foregoing document to be served on August 9, 2017, upon the following in the manner indicated:

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