

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ENZO LIFE SCIENCES, INC.,

Plaintiff,

v.

**ABBOTT LABORATORIES, AND
ABBOTT MOLECULAR INC.,**

Defendants.

**CIVIL ACTION NO. 12-274-LPS
(CONSOLIDATED WITH
CIVIL ACTION NO. 13-225-LPS)**

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Enzo Life Sciences, Inc. (“Enzo”) in the above named case (consolidated C.A. Nos. 12-cv-274 and 13-cv-225) hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered by the District Court in the above named case on September 1, 2017 (12-cv-274 D.I. 473; 13-cv-225 D.I. 14), and from any and all underlying and/or interlocutory decisions, orders, findings, or conclusions of the District Court relating to, pertinent to, or ancillary to the judgment, both written and oral, including but not limited to those in: (1) the District Court’s August 15, 2017 Opinion and Order granting summary judgment that the asserted claims of U.S. Patent No. 8,097,405 are invalid for non-enablement (12-cv-274 D.I. 467, 468); and (2) the District Court’s June 28, 2017 Opinion and Order granting summary judgment that the asserted claims of U.S. Patent No. 6,992,180 are invalid for non-enablement, which was entered by the District Court in Civil Action No. 12-cv-104 (D.I. 284, 285) (the “’180 Opinion and Order”) and incorporated into the final judgment entered in this case (12-cv-274 D.I. 473 at 3; 13-cv-225 D.I. 14 at 3).

This case is related to *Enzo Life Sciences, Inc. v. Gen-Probe Inc.*, 12-cv-104-LPS (D. Del.) (the “Gen-Probe Action”) and *Enzo Life Sciences, Inc. v. Hologic, Inc.*, 12-cv-276-LPS (D. Del.) (the “Hologic Action”), in that the Court’s ’180 Opinion and Order was entered in both of

those actions (12-cv-104 D.I. 284, 285; 12-cv-276 D.I. 257, 258) and resulted in the entry of final judgment in both of those actions. (12-cv-104 D.I. 290; 12-cv-276 D.I. 263.) This case is also related to *Enzo Life Sciences, Inc. v. Roche Molecular Systems, Inc., et al*, 12-cv-106-LPS (D. Del.) (the “Roche Action”) and *Enzo Life Sciences, Inc. v. Becton, Dickinson & Company, et al*, 12-cv-275-LPS (D. Del.) (the “BD Action”), in which the Court’s ’180 Opinion and Order was also entered (12-cv-106 D.I. 328, 329; 12-cv-275 D.I. 331, 332), and in which partial final judgment pursuant to Fed. R. Civ. P. 54(b) was entered on the basis of that Order. (12-cv-106 D.I. 335; 12-cv-275 D.I. 339.) Appeals from the final judgments in the Gen-Probe, Hologic, Roche, and BD Actions, and the same underlying ’180 Opinion and Order, are currently pending before the Federal Circuit in Case Nos. 2017-2354 (lead), 2017-2355 (consolidated), 2017-2498 (consolidated), and 2017-2499 (consolidated), respectively.

The docketing fee of \$500 required by 28 U.S.C. § 1913, and the Notice of Appeal fee of \$5 required by 28 U.S.C. § 1917, totaling \$505, are submitted herewith.

Dated: September 14, 2017

By: Respectfully submitted,

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