

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ERFINDERGEMEINSCHAFT UROPEP)		
GbR,)	Case No. 2:15-CV-1202-WCB
)	
Plaintiff,)	
)	
v.)	
)	
ELI LILLY AND COMPANY,)	
)	
Defendant.)	

**NOTICE OF 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(a)(1) and 4(a)(1)(A) is given that Defendant Eli Lilly and Company (“Lilly”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the following:

- 1) the district court’s judgment and amended judgment entered against Lilly and in favor of plaintiff Erfindergemeinschaft UroPep GbR (“UroPep”) on May 18, 2017 (D.I. 360), and on July 18, 2017 (D.I. 387), respectively;
- 2) the district court’s Memorandum Opinion and Order denying Lilly’s Motion for Judgment as a Matter of Law or, in the Alternative, a New Trial, entered on August 25, 2017 (D.I. 396);
- 3) any and all other adverse findings, holdings, rulings, determinations, conclusions, orders, claim constructions, instructions, opinions, and decisions, whether oral or written, decided adversely to Lilly, including those relating to, antecedent to, pertinent to, or ancillary, or incorporated into (1) or (2) above, including, but not limited to the following:

the district court's Memorandum Opinion and Order Granting In-Part UroPep's Motion for Ongoing Royalties, entered on July 18, 2017 (D.I. 388); the district court's Memorandum Opinion entered on May 18, 2017 (D.I. 359); the jury verdict of April 21, 2017 (D.I. 335); the district court's Final Jury Instructions entered on April 21, 2017 (D.I. 333) and given to the jury on same date; the district court's Memorandum Opinion and Order entered on April 13, 2017 (D.I. 294), precluding Lilly from, *inter alia*, offering evidence on indefiniteness at trial; the district court's Memorandum Opinion and Order entered on March 3, 2017 (D.I. 234), denying Lilly's motions for summary judgment; the district court's Memorandum Opinion and Order entered on October 21, 2016 (D.I. 149), denying Lilly's motions for summary judgment and construing a disputed claim term; the district court's Memorandum Opinion and Order entered on August 11, 2016 (D.I. 131), construing certain disputed claim terms; and the district court's Memorandum Opinion and Order entered on April 26, 2016 (D.I. 91), denying Lilly's motion to transfer the venue of the case to the Southern District of Indiana.

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), and Federal Rule of Appellate Procedure 3(e).

Dated: September 22, 2018

By: *s/Jon B. Hyland*

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