

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SANOFI-AVENTIS U.S. LLC,
AVENTIS PHARMA S.A. and
SANOFI,

Plaintiffs,

v.

FRESENIUS KABI USA, LLC,

Defendant.

Consolidated Civil Action

No. 3:14-cv-07869 (MAS)(LHG)

Civil Action No. 3:14-cv-08082 (MAS)(LHG)

Civil Action No. 3:15-cv-02631 (MAS)(LHG)

SANOFI-AVENTIS U.S. LLC,
AVENTIS PHARMA S.A. and
SANOFI,

Plaintiffs,

v.

ACCORD HEALTHCARE, INC.,

Defendant.

Civil Action No. 3:14-cv-08079 (MAS)(LHG)

Civil Action No. 3:15-cv-02520 (MAS)(LHG)

SANOFI-AVENTIS U.S. LLC,
AVENTIS PHARMA S.A. and
SANOFI,

Plaintiffs,

v.

APOTEX CORP. AND APOTEX, INC.,

Defendants.

Civil Action No. 3:15-cv-00287 (MAS)(LHG)

Civil Action No. 3:15-cv-01835 (MAS)(LHG)

DEFENDANTS' NOTICE OF APPEAL

SANOFI-AVENTIS U.S. LLC,
AVENTIS PHARMA S.A. and
SANOFI,

Plaintiffs,

v.

MYLAN LABORATORIES LTD.,

Defendant.

Civil Action No. 3:15-cv-00290 (MAS)(LHG)

Civil Action No. 3:15-cv-03392 (MAS)(LHG)

SANOFI-AVENTIS U.S. LLC,
AVENTIS PHARMA S.A. and
SANOFI,

Plaintiffs,

v.

ACTAVIS LLC,

Defendant.

Civil Action No. 3:15-cv-00776 (MAS)(LHG)

Civil Action No. 3:15-cv-03107 (MAS)(LHG)

DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that Defendants Fresenius Kabi USA, LLC (“Fresenius”), Accord Healthcare, Inc. (“Accord”), Apotex Corp. and Apotex Inc. (collectively, “Apotex”), Mylan Laboratories Ltd. (“Mylan”), and Actavis LLC and Actavis Elizabeth LLC (collectively, “Actavis”) (all collectively, “Defendants”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the final judgment entered by this Court on March 5, 2018 (D.I. 320) (the “Judgment”) in Consolidated Civil Action No. 14-07869 (MAS)(LHG), and from any and all adverse rulings incorporated in, antecedent to, or ancillary to the Judgment, including this Court’s Order dated December 17, 2017 (D.I. 306) and this Court’s Sealed Opinion dated December 19, 2017 (D.I. 308).

Dated: April 4, 2018

/s/ Jeffrey Soos

Arnold B. Calmann, Esq.

Jeffrey Soos, Esq.

Geri L. Albin, Esq.

SAIBER LLC

One Gateway Center, 10th Floor, Suite 1000

Newark, New Jersey 07102

(973) 622-3333

abc@saiber.com

js@saiber.com

gla@saiber.com

Matthew R. Reed, Esq.

WILSON SONSINI GOODRICH & ROSATI,
P.C.

650 Page Mill Road

Palo Alto, California 94304

(650) 493-9300

mreed@wsgr.com

Clark Y. Lin, Esq.

Nellie J. Amjadi, Esq.

WILSON SONSINI GOODRICH & ROSATI,
P.C.

12235 El Camino Real, Suite 200

San Diego, California 92130

(858) 350-2300

clin@wsgr.com

namjadi@wsgr.com

Wendy L. Devine, Esq.

Kristina M. Hanson, Esq.

WILSON SONSINI GOODRICH & ROSATI,
P.C.

One Market Plaza

Spear Tower, Suite 3300

San Francisco, CA 94105

(415) 947-2048

wdevine@wsgr.com

thanson@wsgr.com

Attorneys for Defendant,
MYLAN LABORATORIES LTD.

/s/

Michael E. Patunas, Esq.
PATUNAS LAW LLC
24 Commerce Street, Suite 606
Newark, NJ 07102
(973) 396-8740
mpatunas@patunaslaw.com

Daryl L. Wiesen, Esq.
Emily L. Rapalino, Esq.
Eric T. Romeo, Esq.
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000
dwiesen@goodwinlaw.com
erapalino@goodwinlaw.com
eromeo@goodwinlaw.com

Aviv Zalcenstein, Esq.
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
(212) 813-8800
azalcenstein@goodwinlaw.com

Attorneys for Defendant,
FRESENIUS KABI USA, LLC

/s/

Michael E. Patunas, Esq.
PATUNAS LAW LLC
24 Commerce Street, Suite 606
Newark, NJ 07102
(973) 396-8740
mpatunas@patunaslaw.com

Daryl L. Wiesen, Esq.
Emily L. Rapalino, Esq.
Eric T. Romeo, Esq.
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000
dwiesen@goodwinlaw.com
erapalino@goodwinlaw.com
eromeo@goodwinlaw.com

Aviv Zalcenstein, Esq.
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
(212) 813-8800bprew@goodwinlaw.com
azalcenstein@goodwinlaw.com

Attorneys for Defendant,
ACTAVIS LLC

/s/

Eric I. Abraham, Esq.
Christina L. Saveriano, Esq.
HILL WALLACK, LLP
202 Carnegie Center
CN 5226
Princeton, NJ 08543
609-734-6358
eia@hillwallack.com
csaveriano@hillwallack.com

Andrew M. Alul, Esq.
Roshan P. Shrestha, Ph.D., Esq.
TAFT STETTINIUS & HOLLISTER LLP
111 East Wacker Drive
Suite 2800
Chicago, IL 60601
(312)527-4000
aalul@taftlaw.com
rshrestha@taftlaw.com

Attorneys for Defendants,
APOTEX CORP. and APOTEX INC.

/s/

Lisa J. Rodriguez, Esq.
SCHNADER HARRISON SEGAL & LEWIS
LLP
Woodland Falls Corporate Park
220 Lake Drive East, Suite 200
Cherry Hill, NJ 08002-1165
Tel: (856) 482-5741
Fax: (856) 482-2578
ljrodriguez@schnader.com

Imron T. Aly, Esq.
Helen Ji, Esq.
SCHIFF HARDIN LLP
233 S. Wacker Drive
Chicago, IL 60606
(312) 258-5500
(312) 258-5600 Fax
ialy@schiffhardin.com
hji@schiffhardin.com

John K. Hsu, Esq.
SCHIFF HARDIN LLP
901 K Street NW, Suite 700
Washington, DC 20001
(202) 778-6400
(202) 778-6460 Fax
jhsu@schiffhardin.com

Attorneys for Defendant,
ACCORD HEALTHCARE, INC

CERTIFICATE OF SERVICE

I, Jeffrey Soos, hereby certify that, on April 4, 2018, I caused a true and correct copy of the foregoing document, DEFENDANTS' NOTICE OF APPEAL, submitted on behalf of Defendants Accord Healthcare, Inc. ("Accord"), Actavis LLC ("Actavis") Fresenius Kabi USA, LLC ("Fresenius"), Apotex Corp. and Apotex Inc. (collectively, "Apotex"), and Mylan Laboratories Ltd. ("Mylan") (all collectively, "Defendants"), to be filed and served via the Court's electronic filing system on the Office of the Clerk, United States District Court for the District of New Jersey, 402 East State Street, Trenton, New Jersey.

I further certify that I caused a true and correct copy of the foregoing document to be served via the Court's electronic filing system upon the Honorable Michael A. Shipp, U.S.D.J. at United States District Court for the District of New Jersey, 402 East State Street, Trenton, New Jersey.

I further certify that I caused a true and correct copy of the foregoing documents to be served via the Court's electronic filing system upon all counsel of record.

Dated: April 4, 2018

s/ Jeffrey Soos
Jeffrey Soos