

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

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and DEBIOPHARM S.A.

\_\_\_\_\_  
SANOFI-AVENTIS U.S. LLC, )  
SANOFI-AVENTIS, )  
DEBIOPHARM S.A., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
SANDOZ, INC. *et al.*, )  
 )  
Defendants. )  
\_\_\_\_\_

CIVIL ACTION NO.:  
3:07-cv-02762-JAP-DEA  
(consolidated)

**NOTICE OF APPEAL**


Notice is hereby given that Plaintiffs in the above-captioned case hereby appeal to the United States Court of Appeals for the Federal Circuit from certain portions of the District Court's Order (Docket Entry No. 379) entered June 18, 2009, as it applies to motions for summary judgment of noninfringement filed by Mayne Pharma Limited, Mayne Pharma (USA) Inc., Hospira Australia Pty Ltd., and Hospira, Inc. (Docket Entry No. 124); Sun Pharmaceutical Industries, Ltd. and Caraco Pharmaceutical Laboratories, Ltd. (Docket Entry No. 122); Teva Parenteral Medicines, Inc., Teva Pharmaceuticals

USA, Inc., and Pharmachemie B.V. (Docket Entry No. 131); Fresenius Kabi Oncology Plc. and Fresenius Kabi Pharma Limited (Docket Entry No. 207); Barr Laboratories, Inc. and Pliva-Lachema A.S. (Docket Entry No. 210); and Ebewe Pharma Ges.m.b.H Nfg.KG (Docket Entry No. 156) and from all underlying and related Orders, Opinions, Decisions, and Rulings relating thereto, declaring that Defendants' proposed products do not or will not infringe U.S. Patent No. 5,338,874, the effect of which is to deny and preclude the injunctive relief pleaded in the complaints herein and, if judgment is entered thereon, to terminate the statutory injunction of 21 U.S.C. § 355 barring approval of Defendants' Abbreviated New Drug Applications.

Submitted herewith is the \$455.00 fee required by 28 U.S.C. §§ 1913, 1917.

Dated: June 22, 2009

By:

Colleen Tracy 

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Notice of Appeal was caused to be served on June 22, 2009 via email and ECF upon the following:

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