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Attorneys for Defendant Zydus Pharmaceuticals (USA) Inc.

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

MITSUBISHI TANABE PHARMA
CORPORATION, *et al.*,

Plaintiffs,

v.

SANDOZ INC., *et al.*,

Defendants.

Civil Action No. 17-5319 (FLW) (DEA)
(CONSOLIDATED)

(Filed Electronically)

NOTICE OF APPEAL

Pursuant to 28 U.S.C. § 1295, Fed. R. App. P. 3 and 4, and Fed. Cir. R. 3 and 4, notice is hereby given that Defendant Zydus Pharmaceuticals (USA) Inc. (“Zydus”) respectfully appeals to the United States Court of Appeals for the Federal Circuit from the District Court’s April 5, 2021 Final Judgment (Dkt. No. 247), ordering and adjudging, *inter alia*, that claims 12 and 20 of U.S. Patent No. 7,943,788, claim 22 of U.S. Patent No. 8,222,219, and claim 26 of U.S. Patent No. 8,785,403 are infringed and not invalid, and granting relief to Plaintiffs and against Zydus under 35 U.S.C. §§ 271(e)(4)(A) and (B); from any and all other findings, determinations,

conclusions, orders, opinions, decisions, judgments, and rulings leading up to that Final Judgment, including, without limitation, the District Court's March 22, 2021 Opinion (Dkt. No. 243), as amended on April 7, 2021 (Dkt. No. 249); the District Court's March 22, 2021 Order (Dkt. No. 242); the District Court's December 8, 2021 Letter Order (Dkt. No. 230); the District Court's June 15, 2020 Opinion (Dkt. No. 173); the District Court's June 15, 2020 Order (Dkt. No. 174); and from all subsidiary findings and conclusions of the District Court that were adverse to Zydus.

Dated: April 21, 2021

Respectfully submitted,

By: /s/ Sean R. Kelly

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