

Cynthia S. Betz
Mark M. Makhail
McCarter & English, LLP
Four Gateway Center
100 Mulberry St.
Newark, NJ 07102
Telephone: (973) 622-4444

*Attorneys for Plaintiffs Pacira Pharmaceuticals, Inc.,
and Pacira Biosciences, Inc.*

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

PACIRA PHARMACEUTICALS, INC.,
and PACIRA BIOSCIENCES, INC.,

Plaintiffs,

v.

eVenus PHARMACEUTICALS
LABORATORIES, INC., JIANGSU
HENGRUI PHARMACEUTICALS CO.,
LTD., and FRESENIUS KABI USA, LLC,

Defendants.

Civil Action No. 2:21-cv-19829-
MCA-JRA (consolidated with Civil
Action No. 2:22-cv-00718-MCA-
JRA)

NOTICE OF APPEAL

**PACIRA PHARMACEUTICALS, INC. AND
PACIRA BIOSCIENCES, INC.’S NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Plaintiffs Pacira Pharmaceuticals, Inc. and Pacira BioSciences, Inc. (collectively, “Pacira”), by and through their undersigned counsel, hereby appeal to the United States Court of Appeals for the Federal Circuit

from the August 27, 2024 Final Judgment (ECF No. 408) entered in the above captioned case and from all underlying findings, orders, decisions, rulings, and opinions incorporated in and antecedent to, or ancillary to that Final Judgment, including, but not limited to, the Court's August 9, 2024 Opinion (ECF No. 403) and accompanying Order (ECF No. 404), the Court's January 19, 2024 Order denying *Daubert* motions and motions in limine (ECF No. 315), and the Court's June 6, 2023 Claim Construction Opinion (ECF No. 187) and accompanying Order (ECF No. 188).

Respectfully submitted,

Dated: August 27, 2024

/s/ Cynthia S. Betz

Cynthia S. Betz
Mark M. Makhail
McCarter & English, LLP
Four Gateway Center
100 Mulberry St.
Newark, NJ 07102
Telephone: (973) 622-4444

Thomas P. Scrivo
Young Yu
O'Toole Scrivo, LLC
14 Village Park Road
Cedar Grove, NJ 07009
Telephone: (973) 239-5700
tscrivo@oslaw.com
yyu@oslaw.com

Michael T. Zoppo
Fish & Richardson P.C.
7 Times Square, 20th Floor
New York, NY 10038
Telephone: (212) 765-5070
Facsimile: (212) 258-2291
zoppo@fr.com

Corrin N. Drakulich (*pro hac vice*)
Fish & Richardson P.C.
1180 Peachtree Street NE, 21st Floor
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002
drakulich@fr.com

Deanna J. Reichel (*pro hac vice*)

Fish & Richardson P.C.

60 South 6th Street, Suite 3200

Minneapolis, MN 55402

Telephone: (612) 335-5070

Facsimile: (612) 288-9696

reichel@fr.com

Karrie Wheatley (*pro hac vice*)

Fish & Richardson P.C.

909 Fannin Street, Suite 2100

Houston, TX 77010

Telephone: (713) 654-5300

Facsimile: (713) 652-0109

wheatley@fr.com

moran@fr.com

*Attorneys for Plaintiffs Pacira
Pharmaceuticals, Inc., and Pacira
BioSciences, Inc.*