

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EXELIXIS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 22-228 (RGA)
)	CONSOLIDATED
MSN LABORATORIES PRIVATE LIMITED)	
and MSN PHARMACEUTICALS, INC.,)	
)	
Defendants.)	

NOTICE OF CROSS-APPEAL

Notice is given that Plaintiff Exelixis, Inc. (“Exelixis”) hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the Final Judgment entered in this action on October 23, 2024 (D.I. 188), and from any and all orders, decisions, rulings, findings, and conclusions adverse to Exelixis, including but not limited to: (1) the judgment entered in favor of MSN and against Exelixis on Exelixis’ claim of infringement under 35 U.S.C. § 271(e)(2) of claim 3 of U.S. Patent No. 11,091,439 (the “’349 patent”) and MSN’s claim for a declaratory judgment of non-infringement under 35 U.S.C. § 271(e)(2) of claim 3 of the ’349 patent, and (2) the Trial Opinion issued on October 15, 2024 (D.I. 186). Payment of the required fee is provided with this Notice.

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November 26, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on November 26, 2024, upon the following in the manner indicated:

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