

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Bayer Schering Pharma AG and Bayer
HealthCare Pharmaceuticals, Inc.,

Plaintiffs and Counterdefendants,

v.

Sandoz, Inc.; Watson Pharmaceuticals, Inc.;
and Watson Laboratories, Inc.

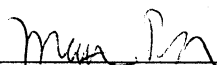
Defendants and Counterclaimants.

Case No. 1:08-cv-03710-PGG-JCF

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Bayer Schering Pharma AG and Bayer HealthCare Pharmaceuticals Inc. (jointly "Bayer") in the above-named case hereby appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment On Certain Claims Under Federal Rule of Civil Procedure 54(b) (Docket 178) and the Court's Opinion and Order from September 28, 2010 (Docket 161) finding that the proposed ANDA products of defendants Watson Pharmaceuticals, Inc., Watson Laboratories, Inc. and Sandoz, Inc. do not claim an FDA-approved use that would infringe U.S. Patent No. 5,569,652, and any and all of the decisions of this Court underlying or leading to any of the foregoing.

Respectfully submitted: January 21, 2011



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