

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE RESEARCH FOUNDATION OF
STATE UNIVERSITY OF NEW YORK;
NEW YORK UNIVERSITY; GALDERMA
LABORATORIES INC.; and GALDERMA
LABORATORIES, L.P.,

Plaintiffs,

VS.

IMPAX LABORATORIES, INC.,

Defendant.

C.A. No. 09-703 (LPS)

GALDERMA LABORATORIES, INC.,
GALDERMA LABORATORIES, L.P., and
SUPERNUS PHARMACEUTICALS, INC.,

Plaintiffs,

VS.

IMPAX LABORATORIES, INC.,

Defendant.

C.A. No. 11-477 (LPS)

**NOTICE OF APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Impax Laboratories (“Impax”), defendant in C.A. No. 09-703-LPS and in C.A. No. 11-477-LPS, hereby appeals to the United States Court of Appeals for the Federal Circuit from those portions of the June 22, 2012 Judgment (D.I. No. 24 in C.A. No. 09-703, D.I. No. 15 in C.A. No. 11-477) and the May 16, 2012 Memorandum Order (D.I. No. 304 in C.A. No. 09-184, D.I. No. 175 in C.A. 10-892) referenced therein that are adverse to Impax as a result of it entering into stipulated stays with respect to C.A. No. 09-184 and C.A. No. 10-892, which involved Mylan Pharmaceuticals Inc., including but not limited to those (a) granting final judgment in favor of Galderma Laboratories, Inc., Galderma Laboratories, L.P.,

The Research Foundation of State University of New York and New York University on the issue of validity of U.S. Patent Nos. 7,211,267 and 7,232,572; (b) granting final judgment in favor of Galderma Laboratories, Inc., Galderma Laboratories, L.P. and Supernus Pharmaceuticals, Inc. on the issue of infringement and validity of U.S. Patent No. 7,749,532; (c) directing the U.S. Food and Drug Administration to withdraw final approval of any product that is the subject of Impax's ANDA No. 91-447 and set the effective date of any approval of Impax's ANDA No. 91-447 to a date not earlier than December 19, 2027; and (d) enjoining Impax and its officers, agents, servants, employees, and attorneys, and any and all other persons who are in active concert or participation with any of them until the expiration of the '532 patent from making, using, offering for sale, or selling within the United States, or importing into the United States, any product that is the subject of Impax's ANDA No. 91-447.

Payment of the filing fee (\$5.00) and the docketing fee (\$450.00) as required by 28 U.S.C § 1917 and Federal Circuit Rule 52(a)(3)(A), and Federal Rule of Appellate Procedure 3(e) has been made.

Respectfully submitted,

/s/ Mary B. Matterer

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Date: July 20, 2012

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