## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

ADAMS RESPIRATORY
THERAPEUTICS, INC., ADAMS
RESPIRATORY OPERATIONS, INC.,
ADAMS RESPIRATORY
PRODUCTS, INC., and RECKITT
BENCKISER, INC.

Civil Action No. 1:07-cv-0993-GJQ

Plaintiffs,

V.

PERRIGO COMPANY, L. PERRIGO COMPANY AND PERRIGO RESEARCH and DEVELOPMENT COMPANY,

Defendants.

## NOTICE OF APPEAL

Notice is hereby given that Plaintiffs in the above-captioned case hereby appeal to the United States Court of Appeals for the Federal Circuit from the District Court's entry of Final Judgment entered on January 11, 2012 (Docket No. 446), resolving Plaintiffs' Adams Respiratory Therapeutics, Inc., Adams Respiratory Operations, Inc., Adams Respiratory Products, Inc., and Reckitt Benckiser Inc. claims of infringement of U.S. Patent No. 6,372,252 (the "252 patent") asserted against Defendants Perrigo Company, L. Perrigo Company, and Perrigo Research and Development Company and from all underlying and related Orders, Opinions, Decisions, and Rulings relating thereto, declaring that Defendants' proposed products do not or will not infringe the '252 patent.

Dated: February 1, 2012 Respectfully Submitted,

By: <u>S/Thomas R. Behm</u> Thomas R. Behm (P40073) GRUEL, MILLS, NIMS & PLYMAN 50 Monroe Avenue NW, Suite 700W Grand Rapids, MI 49503 (616) 235-5500

OF COUNSEL:
Dominick A. Conde
John D. Carlin
Aaron Rugh
FITZPATRICK, CELLA, HARPER
& SCINTO
1290 Avenue of the Americas
New York, NY 10104
(212) 218-2100

Attorneys for Plaintiffs Adams Respiratory Therapeutics, Inc., Adams Respiratory Operations, Inc., Adams Respiratory Products, Inc., and Reckitt Benckiser Inc.