

**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,)

C.A. No. 09-184-LPS

vs.)

MYLAN PHARMACEUTICALS INC.)

Defendant.)

MYLAN PHARMACEUTICALS INC.,)

Plaintiff,)

vs.)

C.A. No. 10-892-LPS

GALDERMA LABORATORIES INC.;)
GALDERMA LABORATORIES, L.P.; AND)
SUPERNUS PHARMACEUTICALS, INC.)

Defendants.)

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

Notice is hereby given that Mylan Pharmaceuticals Inc. (“Mylan”), defendant in C.A. No. 09-184-LPS and declaratory judgment plaintiff in C.A. 10-892-LPS, hereby appeals to the United States Court of Appeals for the Federal Circuit from those portions of the June 8, 2012 Judgment (D.I. No. 311 in C.A. No. 09-184, D.I. No. 182 in C.A. 10-892) 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) adverse to Mylan, including but not limited to those (a) granting final judgment in favor of Galderma Laboratories, Inc., Galderma Laboratories, L.P. and Supernus Pharmaceuticals, Inc. on the issue

of validity of U.S. Patent No. 7,749,532; (b) directing the U.S. Food and Drug administration to withdraw final approval of any product that is the subject of Mylan's ANDA No. 90-855 and set the effective date of any approval of Mylan's ANDA No. 90-855 to a date not earlier than December 19, 2027; and (c) denying Mylan's request to recover from the preliminary injunction bond posted by Galderma, as well as all rulings and orders merged therein, including the August 26, 2011 Post Trial Opinion (D.I. No. 278 in C.A. No. 09-184, D.I. No. 149 in C.A. 10-892).

Included herewith is 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).

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Dated: July 9, 2012
1066307 / 34192

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**IN THE UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on July 9, 2012, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on July 9, 2012, the attached document was Electronically Mailed to the following person(s):

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