

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>ALLERGAN, INC., Plaintiff, v. SANDOZ INC., Defendant.</b>	<b>Civil Action No. 2:09-cv-97</b>
<b>ALLERGAN, INC., Plaintiff, v. ALCON LABORATORIES, INC., ALCON RESEARCH, LTD., ALCON, INC. AND FALCON PHARMACEUTICALS, LTD., Defendants.</b>	<b>Civil Action No. 2:09-cv-348 TJW</b>
<b>ALLERGAN, INC., Plaintiff, v. APOTEX, INC. and APOTEX CORP., Defendants.</b>	<b>Civil Action No. 2:10-cv-200 TJW</b>
<b>ALLERGAN, INC., Plaintiff, v. WATSON LABORATORIES, INC., Defendant.</b>	<b>Civil Action No. 2:10-cv-344 TJW</b>

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

NOTICE IS HEREBY GIVEN that, pursuant to Federal Rules of Appellate Procedure 3 and 4, plaintiff Allergan, Inc. cross-appeals to the United States Court of Appeals for the Federal

Circuit the August 25, 2011 Memorandum Opinion and Order granting summary judgment to defendants Sandoz Inc., Alcon Laboratories, Inc., Alcon Research, Ltd., Alcon, Inc, Falcon Pharmaceuticals, Ltd., Apotex, Inc., Apotex Corp., and Watson Laboratories, Inc. that claims 1-3 of U.S. Patent No. 7,030,149 are not infringed (D.I. 261, entered in consolidated civil action No. 2:09-cv-97-TJW, hereinafter “the consolidated action”), the April 27, 2011 order regarding claim construction (D.I. 151, entered in the consolidated action), and all preceding or subsidiary decisions, all subsequent and related rulings, and all interlocutory orders that gave rise to those orders.

Allergan, Inc. further appeals any and all adverse judgments.

Dated: September 28, 2011

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 28, 2011 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served via email.

*/s/ Gregory P. Love*

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Gregory P. Love