

in the above named case, hereby amend their Notice of Appeal previously docketed with the United States Court of Appeals for the Federal Circuit as docket number 13-1161.

On January 17, 2013 this appeal was deactivated by the Clerk of the Federal Circuit pending entry of an order by the district court disposing of the outstanding Rule 59(e) motion. *See* Order dated January 17, 2013, Fed. Cir. No. 13-1161, Dkt. 2. On January 25, 2013 the district court denied Plaintiffs' Motion for Reconsideration pursuant to Rule 59(e) (C.A. 07-4516, Dkt. 230). No other motion of the type enumerated in Fed. R. App. P. 4(a)(4) remains pending in the district court.

Accordingly, Plaintiffs appeal to the United States Court of Appeals for the Federal Circuit from:

- 1) Final Judgment entered on November 16, 2012 (C.A. 07-4516, Dkt. 225) directing that claims 1-8 of U.S. Patent 7,718,634 are invalid as obvious pursuant to summary judgment entered on May 7, 2012 (C.A. 07-4417, Dkt. 490) and that claims 1-10 of U.S. Patent 7,410,957 are invalid as obvious pursuant to summary judgment entered on October 1, 2012 (C.A. 07-4516, Dkt. 218); and
- 2) Opinion and Order entered on January 25, 2013 denying Plaintiffs' Motion for Reconsideration pursuant to Fed. R. Civ. P. 59(e) (C.A. 07-4516, Dkt. 230).

Pursuant to Fed. R. App. P. 4(a)(4)(B)(iii) no fee is required with this Amended Notice of Appeal.

Dated: February 1, 2013

Respectfully submitted,
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GENENTECH, INC.,

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CERTIFICATE OF SERVICE

Sheila McShane certifies as follows under penalties of perjury:

I caused to be served a true and correct copy of the foregoing AMENDED NOTICE OF APPEAL by ECF Notice on February 1, 2013 upon the following:

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