

John E. Flaherty
Ravin R. Patel
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HORIZON PHARMA, INC., HORIZON
PHARMA USA, INC., and NUVO
PHARMACEUTICAL (IRELAND)
DESIGNATED ACTIVITY COMPANY,

Plaintiffs,

vs.

DR. REDDY'S LABORATORIES INC. and
DR. REDDY'S LABORATORIES LTD.,

Defendants.

HORIZON PHARMA, INC., HORIZON
PHARMA USA, INC., and NUVO
PHARMACEUTICAL (IRELAND)
DESIGNATED ACTIVITY COMPANY,

Plaintiffs,

vs.

MYLAN PHARMACEUTICALS INC., MYLAN
LABORATORIES LIMITED, and MYLAN INC.,

Defendants.

HORIZON PHARMA, INC., HORIZON
PHARMA USA, INC., and NUVO
PHARMACEUTICAL (IRELAND)
DESIGNATED ACTIVITY COMPANY,

Plaintiffs,

vs.

LUPIN LTD. and
LUPIN PHARMACEUTICALS INC.,

Defendants.

Civil Action No.: 15-3324 (SRC) (CLW)

(consolidated for discovery purposes with
Civil Action Nos. 15-3326, 15-3327,
16-4918, 16-4920, 16-4921, and 16-9035)

PLAINTIFFS' NOTICE OF APPEAL

PLAINTIFFS' NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Horizon Pharma, Inc., Horizon Pharma USA, Inc., and Nuvo Pharmaceuticals (Ireland) Designated Activity Company appeal to the United States Court of Appeals for the Federal Circuit from the Final Judgment Under Fed. R. Civ. P. 54(b) entered in this action, and those consolidated therewith, on January 22, 2019.¹ (*See* Dkt. Nos. 170, 171 in Case No. 15-3324; Dkt. Nos. 68, 69 in Case No. 15-3326; Dkt. Nos. 67, 68 in Case No. 15-3327; Dkt. No. 139 in Case No. 16-4918; Dkt. No. 83 in Case No. 16-4921; Dkt. No. 31 in Case No. 16-9035.)

In appealing from the Final Judgment Under Fed. R. Civ. P. 54(b), Plaintiffs appeal from any and all orders, opinions, and other rulings antecedent and ancillary therefore in this case and all related cases consolidated therewith, including any and all interlocutory judgments, decrees, decisions, rulings, and opinions that merged into and became part of the Final Judgment, that shaped the Final Judgment, that are related to the Final Judgment, and upon which the Final Judgment is based. This includes, but is not limited to, the Court's claim construction Opinion and Order, including, but not limited to, its construction of the "target" limitations in the claims (Dkt. 82 in Case No. 15-3324); and the Court's Opinion and Order granting summary judgment that the claims of U.S. Patent Nos. 9,220,698 and 9,393,208 are invalid for indefiniteness under 35 U.S.C. § 112 (Dkt. Nos. 162, 163 in Case No. 15-3324).

This Notice of Appeal is filed with payment to the United States District Court for the District of New Jersey of the \$500 fee required under 28 U.S.C. § 1913 and Federal Circuit Rule 52(a)(3)(A), and payment of the \$5 fee required under 28 U.S.C. § 1917.

¹ The Final Judgment under Rule 54(b) was entered on January 31, 2019, on the dockets for Case Nos. 16-4921, 16-9035, and 16-4918.

Dated: February 21, 2019

Respectfully submitted,

s/John E. Flaherty
John E. Flaherty
Ravin R. Patel
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the foregoing Plaintiffs' Notice of Appeal were caused to be served on February 21, 2019 by electronic mail and/or ECF system upon counsel of record.

Respectfully submitted,

s/John E. Flaherty
John E. Flaherty
Ravin R. Patel
McCARTER & ENGLISH, LLP
Four Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
(973) 622-4444