

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE BENDAMUSTINE CONSOLIDATED
CASES

)
)
) C.A. No. 13-2046-GMS
)
) **(CONSOLIDATED)**
)

DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that Defendants InnoPharma, Inc. and Hospira, Inc. (collectively, "Defendants") hereby appeal to the United States Court of Appeals for the Federal Circuit from the portions of the June 10, 2016, Order (D.I. 473, ¶¶ 1-3, 5) and the June 10, 2016, Memorandum (D.I. 472) holding not invalid certain asserted claims (*i.e.*, all asserted claims other than Claims 19-21 of U.S. Patent No. 8,791,270), and from the corresponding portions of the June 29, 2017, Final Judgment effecting those holdings and awarding Cephalon relief (D.I. 506 ¶¶ 1-3, 8-13).

This is Defendants' second Notice of Appeal. On July 11, 2016, out of an abundance of caution, Defendants filed a Notice of Appeal (D.I. 481) within thirty days of the Court's June 10, 2016 Order and Memorandum (D.I. 472, 473). On July 18, 2016, the Federal Circuit docketed the appeal as *Cephalon Inc. v. Hetero Labs Limited*, Case No. 16-2348. On August 15, 2016, the Federal Circuit deactivated the appeal pending this Court's entry of final judgment.

In accordance with 28 U.S.C. §§ 1913 and 1917, Rule 52 of the Federal Circuit Rules of Practice, and Federal Rule of Appellate Procedure 3(e), Defendants submit payment of \$505.00, representing the \$500.00 filing fee and the \$5.00 statutory fee.

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