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AVENTIS PHARMA S.A. and SANOFI*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SANOFI-AVENTIS U.S. LLC,
AVENTIS PHARMA S.A. and
SANOFI

Plaintiffs,

v.

FRESENIUS KABI USA, LLC,

Defendant.

Consolidated Civil Action No. 3:14-cv-
07869(MAS)(LHG)

SANOFI'S NOTICE OF APPEAL

Notice is given that Plaintiffs Sanofi-Aventis U.S. LLC, Aventis Pharma S.A., and Sanofi (“Sanofi”) in the above-captioned case hereby appeal to the United States Court of Appeals for the Federal Circuit from the Order entered in this Consolidated Action¹ on December 17, 2017 (D.I. 306), from the Opinion entered on December 19, 2017 (D.I. 308), and from all findings, rulings, determinations, conclusions, orders, opinions, and decisions leading thereto, or merged or incorporated into, D.I. 306 or D.I. 308, and from all subsidiary findings and conclusions of the Court.

Out of an abundance of caution, Sanofi files this Notice of Appeal within thirty days of the Court’s December 17, 2017 Order (D.I. 306). Sanofi does not believe that the Court’s December 17, 2017 Order and December 19, 2017 Opinion are final or appealable absent entry of Final Judgment, which has not occurred. However, Sanofi files this Notice of Appeal now as a precautionary measure. (*See* Fed. R. App. P. 4(a)(2)). Sanofi understands that the Court intends to enter Final Judgment at a later date, following the submission of the parties’ proposed judgment(s). (D.I. 306, 310, 315). Sanofi may file a Supplemental Notice of Appeal as needed within thirty days of the entry of Final Judgment to further appeal the Final Judgment.

Dated January 16, 2018

Respectfully Submitted,

OF COUNSEL:

William E. Solander, Esq. (*pro hac vice*)
Jason A. Leonard, Esq.

s/Liza M. Walsh

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¹ The “Consolidated Action” is comprised of Civil Action Nos. 14-7869(MAS)(LHG), 14-8082(MAS)(LHG), 15- 2631(MAS)(LHG), 14- 8079(MAS)(LHG), 15- 2520(MAS)(LHG), 15-287(MAS)(LHG), 15- 1835(MAS)(LHG), 15- 290(MAS)(LHG), 15- 3392(MAS)(LHG), 15-776(MAS)(LHG), and 15- 3107(MAS)(LHG), which were consolidated for all purposes and thereafter docketed under the lead case, Civil Action No. 14-7869(MAS)(LHG), by Order of the Court on September 15, 2017 (D.I. 232).

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CERTIFICATE OF SERVICE

I hereby certify that on January 16, 2018, copies of the forgoing **SANOFT'S NOTICE OF APPEAL** was served on all counsel of record via the CM/ECF system and email.

WALSH PIZZI O'REILLY FALANGA LLP

s/Liza M. Walsh _____

Liza M. Walsh