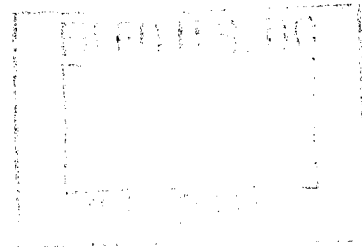


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Bayer Schering Pharma AG and Bayer
HealthCare Pharmaceuticals Inc.,

Plaintiffs and Counterdefendants,

v.

Lupin Ltd. and Lupin Pharmaceuticals, Inc.,

Defendants and Counterclaimants.

Case No. 1:10-cv-05423-PGG

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs Bayer Schering Pharma AG and Bayer HealthCare Pharmaceuticals Inc. (jointly "Bayer") in the above-named case hereby appeal to the United States Court of Appeals for the Federal Circuit from the District Court's Stipulation and Order and Final Judgment Regarding Dismissal of Claims and Counterclaims dated December 8, 2010 (Docket 24), incorporating by reference the Court's Opinion entered in *Bayer Schering Pharma AG, et al. v. Sandoz, Inc. et al.*, No. 1:08-cv-03710-PGG-JCF from September 28, 2010 finding that the proposed ANDA products of defendants Watson Pharmaceuticals, Inc., Watson Laboratories, Inc. and Sandoz, Inc. do not claim an FDA-approved use that would infringe U.S. Patent No. 5,569,652, and any and all of the decisions of this Court underlying or leading to any of the foregoing.

Respectfully submitted: December 15, 2010



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