

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG DIVISION**

IN RE: AFLIBERCEPT PATENT
LITIGATION

MDL No: 1:24-md-3103-TSK

THIS DOCUMENT RELATES TO:

Civil Action No. 1:23-cv-97-TSK

DEFENDANT FORMYCON AG'S NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant Formycon AG (“Formycon”), which has specifically appeared in this case without waiving objections as to service, personal jurisdiction, venue, and all other issues under Federal Rule of Civil Procedure 12(b), appeals to the U.S. Court of Appeals for the Federal Circuit from the Order entered on June 21, 2024 (D.I. 241) granting a preliminary injunction, and each and every part thereof.

Dated: June 25, 2024

Respectfully submitted,

OF COUNSEL:

THOMAS COMBS & SPANN PLLC

Louis E. Fogel (*pro hac vice*)
Shaun M. Van Horn (*pro hac vice*)
FISH & RICHARDSON P.C.
60 South 6th Street, Suite 3200
Minneapolis, Minnesota 55402
(612) 335-5070

/s/ M. David Griffith, Jr.
Bryant J. Spann (WVSB No. 8628)
M. David Griffith, Jr. (WVSB No. 7720)
300 Summers Street, Suite 1380
Charleston, West Virginia 25301
Phone: (304) 414-1800
Fax: (304) 414-1801
bspann@tcspllc.com
dgriffith@tcspllc.com

Robert M. Oakes (*pro hac vice*)
FISH & RICHARDSON P.C.
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801
(302) 652-5070

Attorneys for Defendant Formycon AG

Andria Rae Crisler (*pro hac vice*)
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
(214) 747-5070

Madelyn McCormick (*pro hac vice*)
FISH & RICHARDSON P.C.
12860 El Camino Real, Suite 400
San Diego, CA 92130
(858) 678-5070

Taylor Burgener (*pro hac vice*)
FISH & RICHARDSON P.C.
1000 Maine Avenue SW, Suite 1000
Washington, D.C. 20024
(202) 783-5070

Qiuyi Wu (*pro hac vice*)
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02210
(617)-542-5070

Terri L. Mascherin (*pro hac vice*)
JENNER & BLOCK LLP
353 North Clark Street
Chicago, Illinois 60654
(312) 222-9350

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on June 25, 2024, I caused a true and correct copy of the foregoing *Defendant Formycon AG's Notice of Appeal* to be filed via the Court's CM/ECF electronic filing system, thereby sending notice of the filing to all CM/ECF-registered counsel of record.

/s/ M. David Griffith, Jr.
M. David Griffith, Jr. (WVSB No. 7720)