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May 15, 2017

VIA ECF

Mr. Peter R. Marksteiner
Circuit Executive and Clerk of Court
United States Court of Appeals
for the Federal Circuit
717 Madison Place, N.W., Room 401
Washington, D.C. 20439

Re: *Grunenthal GmbH et al. v. Alkem Laboratories Ltd. et al.*, Appeal No. 17-1153 and Newly Filed Appeals From the Consolidated Action 13-cv-04507 CCC-MF (D.N.J.)

Dear Mr. Marksteiner:

I am the principal attorney for appellee Depomed, Inc. ("Depomed") and am writing on behalf of Depomed and appellee Grünenthal GmbH ("Grünenthal") (collectively, "Appellees"), regarding the above-captioned appeal and the newly filed notices of appeal filed in the same Consolidated Action from the U.S. District Court, District of New Jersey[1].

On October 28, 2016, Appellant Alkem Labs., Ltd. ("Alkem") appealed from the interlocutory decision of the district court prior to the entry of a final judgment. On December 16, 2016, this Court deactivated Alkem's appeal pending further instruction following the district court's entry of a final judgment (Dkt. 27). On May 9, 2017, Alkem notified the Court that the a final judgment was entered on April 11, 2017, and requested that the Court reactivate the appeal and set a briefing schedule from the date of activation (Dkt. 29).

Since the entry of final judgment on April 11, 2017, at least three other notices of appeal have been filed in the same underlying action, including a new notice of appeal from Alkem.[2] *See* Dkt. 29 at 3 ("Alkem is filing also a second Notice of Appeal"). Appellees are

1 The Consolidated Action in the district court consists of 6 cases that were all tried together and as to which a single final judgment was entered on April 11, 2017. The individual district court case numbers are as follows: 13-cv-4507; 13-cv-6929; 13-cv-7803; 14-cv-3941; 14-cv-4617; and 15-cv-6797.

2 Notices of Appeal have been filed by Alkem, Roxane Laboratories, Inc. and jointly by Depomed and Grünenthal.

informed and believe that transmittal letters are currently being sent from the district court to this Court concerning each notice of appeal. In view of the multiple appeals from the same underlying final judgment, Appellees respectfully request that this Court wait until the notices of appeal are docketed before setting a briefing schedule in this appeal, so that the Clerk of Court can consolidate the appeals and set a unified briefing schedule pursuant to Federal Rule of Appellate Procedure 3(b)(2). Consolidating the appeals and setting a single briefing schedule will provide for the efficient handling and disposition of each of the numerous appeals all arising from the same underlying final judgment. Separate briefing schedules for each appeal (including this appeal) will result in multiple, duplicative briefs being filed by multiple parties at different times all concerning the same underlying final judgment.

Should the Court have any questions concerning this matter or the underlying actions, please do not hesitate to contact us.

Respectfully submitted,

/s/ Michael A. Sitzman

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cc: All counsel of record (via ECF)