

2017-1798, -1799, -1800

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**United States Court of Appeals  
for the Federal Circuit**

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SUMITOMO DAINIPPON PHARMA CO., LTD.,  
SUNOVION PHARMACEUTICALS INC.,

*Plaintiffs-Appellees,*

v.

EMCURE PHARMACEUTICALS LIMITED, HERITAGE PHARMA  
LABS INC., fka Emcure Pharmaceuticals USA Inc., INVAGEN  
PHARMACEUTICALS, INC., TEVA PHARMACEUTICALS USA, INC.,  
TEVA PHARMACEUTICAL INDUSTRIES, LTD.,

*Defendants-Appellants.*

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*Appeals from the United States District Court for the District of New Jersey  
in Nos. 2:15-cv-00280-SRC-CLW, 2:15-cv-00281-SRC-CLW,  
2:15-cv-06401-SRC-CLW, Judge Stanley R. Chesler.*

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**PRINCIPAL BRIEF OF PLAINTIFFS-APPELLEES**

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Exhibit 1053  
Slayback v. Sumitomo  
IPR2020-1053

June 26, 2017

## CERTIFICATE OF INTEREST

Counsel for Plaintiffs-Appellees certifies the following:

1. The full name of every party or amicus represented by me is:

Sumitomo Dainippon Pharma Co., Ltd.

Sunovion Pharmaceuticals Inc.

2. The names of the real parties in interest represented by me are:

Sumitomo Dainippon Pharma Co., Ltd.

Sunovion Pharmaceuticals Inc.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Sumitomo Dainippon Pharma Co., Ltd.: Sumitomo Chemical Co., Ltd.;

Sunovion Pharmaceuticals Inc.: Dainippon Sumitomo Pharma America Holdings, Inc., Sumitomo Dainippon Pharma Co., Ltd., Sumitomo Chemical Co., Ltd.

4. The names of all law firms and the partners or associates that appeared for Sumitomo Dainippon Pharma Co., Ltd. and Sunovion Pharmaceuticals Inc. in proceedings before the district court or are expected to appear in this Court are:

PAUL HASTINGS LLP: Preston K. Ratliff II, Joseph M. O'Malley, Jr., Bruce M. Wexler, Imtiaz Yakub, Nao Takada, Mi Zhou, Leo C. DeSesso, Mark Russell Sperling, and Stephen B. Kinnaird

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Date: June 26, 2017

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135 S. Ct. 831 (2015).....19, 25

**Other Authority**

Manual of Patent Examining Procedure § 803 (Jan. 1995).....7

**TABLE OF ABBREVIATIONS**

“the ’372 patent”	U.S. Patent No. 5,532,372
“Appellants” or “Defendants”	Appellants Emcure Pharmaceuticals Limited, Heritage Pharma Labs Inc., fka Emcure Pharmaceuticals USA Inc.; InvaGen Pharmaceuticals, Inc.; and Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries, Ltd.
“Appellees” or “Sunovion”	Appellees Sumitomo Dainippon Pharma Co., Ltd. and Sunovion Pharmaceuticals Inc.
“DBr.”	Appellants’ Opening Brief
“Emcure”	Appellants Emcure Pharmaceuticals Limited, Heritage Pharma Labs Inc., fka Emcure Pharmaceuticals USA Inc.
“InvaGen”	Appellant InvaGen Pharmaceuticals, Inc.
“Teva”	Appellants Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries, Ltd.

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