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AVID IDENTIFICATION SYSTEMS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALLFLEX USA, INC., a Delaware
corporation,

Plaintiff,

vs.

AVID IDENTIFICATION SYSTEMS,
INC., a California corporation,

Defendant.

Case No. 5:06-CV-1109-MRP (OP)

Hon. Judge Mariana R. Pfaelzer

NOTICE OF APPEAL

AND RELATED COUNTERCLAIMS

PLEASE TAKE NOTICE that AVID Identification Systems, Inc. (“Avid”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action pursuant to the Court’s August 22, 2011 order (attached as Exhibit D). Avid appeals all issues appealable in this case including but not limited to: (1) the Court’s grant of summary judgment of non-infringement of U.S. Patent Nos. 5,214,409 (the “’409 Patent”) and 5,499,017 (the “’017 Patent”) as reflected in its July 28, 2010 opinion (attached as Exhibit A); (2) the Court’s grant of summary judgment of materiality regarding the ‘409 Patent and ‘017 Patent as reflected in its February 11, 2011 opinion (attached as Exhibit B); (3) the Court’s

1 October 30, 2009 order sanctioning AVID and Fish & Richardson PC (attached as
2 Exhibit C); and (4) all other appealable rulings, including all the underlying orders,
3 objections, opinions, and rulings, for example the Court's claim construction rulings
4 as reflected in its February 17, 2010 and July 28, 2010 opinions (attached as Exhibits
5 E and A) and the Court's January 11, 2007 and February 16, 2010 opinions (attached
6 as Exhibits F and G).

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8 Dated: September 21, 2011

Respectfully Submitted,

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11 By: /s/ Christian Chadd Taylor
Christian Chadd Taylor

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13 KIRKLAND & ELLIS LLP
14 Attorneys for Defendant
AVID IDENTIFICATION SYSTEMS, INC.
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