

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

PROMEGA CORPORATION,

Plaintiff and  
Counterdefendant,

C.A. NO: 13-cv-02333-rap

v.

APPLIED BIOSYSTEMS, LLC, LIFE  
TECHNOLOGIES CORPORATION, and  
CALIFORNIA INSTITUTE OF  
TECHNOLOGY,

Defendants and  
Counterclaimants.

**DEFENDANTS AND COUNTERCLAIMANTS' NOTICE OF APPEAL**

Defendants and Counterclaimants Life Technologies Corporation, Applied Biosystems, LLC, and California Institute of Technology (collectively, "Life and Caltech"), by counsel, hereby appeal to the United States Court of Appeals for the Federal Circuit from the judgment entered in this action on June 13, 2013 (Dkt. No. 471), granting Plaintiff Promega Corporation's ("Promega") motion for summary judgment that the asserted claims of the '096 patent are invalid and all orders underlying the judgment, including without limitation:

(1) those portions of the Court's June 12, 2013 Opinion adverse to Life and Caltech in which the Court found that that claims 62, 63, 65, 66, 67, 70, 74, 80, 86, 92, and 98 are invalid, denied Life and Caltech's motion to exclude Promega's expert Dr. Ruth, denied Life and Caltech's summary judgment motion and briefing with respect to damages, and granted summary judgment in Promega's favor (Dkt. No. 470);

(2) those portions of the Court's April 4, 2013 summary judgment and claim construction order that were adverse to Life and Caltech (Dkt. No. 274);

(3) those portions of the Court's evidentiary orders (including without limitation Dkt. Nos. 308, 378 , 410, 437) that were adverse to Life and Caltech in excluding certain evidence Life and Caltech intended to offer and overruling Life and Caltech's motions to exclude Promega's experts; and

(4) the Court's order granting Promega's motion to amend its answer to add a licensing defense (Dkt. No. 333);

(5) the Court's order requesting supplemental briefing on obviousness-type double patenting (Dkt. No. 451); and

(6) those portions of the Court's orders that were adverse to Life and Caltech's in denying motions to dismiss and transfer and granting Promega leave to amend (including without limitation Dkt. Nos. 157, 158, 165).

DATED: June 17, 2013

Respectfully submitted,

By: /s/ Brian C. Cannon

Brian C. Cannon

Rory S. Miller

Clark Craddock

Robyn Bowland

Natasa Pajic

Laura Norris

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

555 Twin Dolphin Drive, 5th Floor,  
Redwood Shores, California 94065  
(650) 801-5000

Michael J. Modl

mmodl@axley.com

Andrew J. Clarkowski

aclarkowski@axley.com

AXLEY BRYNELSON, LLP

2 E. Mifflin Street, Suite 200,  
Madison, Wisconsin 53703  
(608) 257-5661

Attorneys for Defendants and Counterclaimants  
Applied Biosystems, LLC, Life Technologies  
Corporation and California Institute of  
Technology

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing has been caused to be served on June 17, 2013 to all counsel of record via the Court's ECF.

/s/ Robyn Bowland

Robyn Bowland