

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

TYCO HEALTHCARE GROUP LP and
UNITED STATES SURGICAL
CORPORATION,

Plaintiffs,

V.

APPLIED MEDICAL RESOURCES
CORPORATION,

Defendant.

Civil Action No. 9:09-CV-176

The Honorable Keith F. Giblin

**APPLIED'S NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

Defendant Applied Medical Resources Corp. (“Applied”) hereby appeals to the United States Court of Appeals for the Federal Circuit from the Order entered on September 4, 2013 (Docket No. 372), a copy of which is attached hereto as Exhibit A, by the United States District Court for the Eastern District of Texas in the above-captioned case. Further, and without limitation, Applied appeals from all orders and rulings relating to the portion of the judgment pertaining to infringement of claim 6 of United States Patent No. 5,895,377, including: (1) the Memorandum Opinion and Order Construing Claim Terms of United States Patent Nos. 5,304,143, 5,685,854, 5,603,702, 5,895,377 and 5,542,931 dated November 18, 2008 (Docket No. 184 in Civil Action No. 9:06-CV-151 RHC (KFG)¹), a copy of which is attached hereto as Exhibit B; (2) the Order on Pending Post-Trial Motions dated May 17, 2010 (Docket No. 138), a copy of which is attached hereto as Exhibit C; (3) any and all rulings pertaining to infringement; and (4) the Court’s ruling applying the pre-judgment interest rate to the damages awarded.

Respectfully submitted,

Dated: September 4, 2013

By: /s/ Joseph R. Re

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¹ By stipulation of the parties and order of the Court, all orders entered in Civil Action No. 9:06-CV-151 RHC (KFG) have the same effect as if entered in this civil action. *See* Docket No. 31 (Jan. 21, 2010 Order).

Attorneys admitted *Pro Hac Vice* for
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service are being served this 4 September 2013, with a copy of this document via the Court's CM/ECF system.

/s/ Joseph R. Re

Joseph R. Re

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