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15 Attorneys for Defendant
16 NOW HEALTH GROUP, INC.,
17 d/b/a NOW Foods

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

JARROW FORMULAS, INC.

Plaintiff,

v.

NOW HEALTH GROUP, INC.,
d/b/a NOW Foods

Defendant.

SOFT GEL TECHNOLOGIES, INC.

Plaintiff/Counter Defendant,

v.

JARROW FORMULAS, INC.

Defendant/Counter Claimant.

CASE NO: 10-8301-PSG (JCx)

Related Case No. (Consolidated):
2: 11-CV-0164 PSG (JCx)

Assigned to Hon. Philip S. Gutierrez

**NOW HEALTH GROUP'S NOTICE
OF CROSS APPEAL TO THE
UNITED STATES COURT OF
APPEAL FOR THE FEDERAL
CIRCUIT**

The Honorable Philip S. Gutierrez

Courtroom: 880 Roybal Building
Location: Roybal Federal Building
255 East Temple Street
Los Angeles, CA 90011

1 Notice is hereby given that pursuant to Federal Rules of Appellate Procedure
2 3(a)(1) and 4(a)(3), NOW Health Group, Inc. ("NOW"), Defendant, hereby cross
3 appeals to the United States Court of Appeals for the Federal Circuit from the
4 Judgment in this matter entered on September 9, 2013 (Docket No. 217) including
5 but not limited to the portion of the District Court's August 2, 2012 Order (Docket
6 No. 156) on claim construction holding that the preamble does not limit the claims of
7 U.S. Patent No. 7,588,786.

8 Respectfully submitted,

9
10 Date: October 21, 2013

HOLLAND & KNIGHT LLP

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12 By: /s/ R. David Donoghue

13 Attorneys for Defendant
14 NOW HEALTH GROUP, INC,
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 400 S. Hope St., 8th Floor, Los Angeles, California 90071.

On October 21, 2013, I served the document described as *NOW HEALTH GROUP'S NOTICE OF CROSS APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT* on the on the interested parties in this action as follows:

[X] (BY Electronic Transfer to the CM/ECF System) In accordance with Federal Rules of Civil Procedure 5(d) (3), Local Rule 5-4, and the U.S. District Court of the Central District's General Order governing electronic filing, I uploaded via electronic transfer a true and correct copy scanned into an electronic file in Adobe "pdf" format of the above-listed documents to the United States District Court Central District of California' Case Management and Electronic Case Filing (CM/ECF) system on this date. It is my understanding that by transmitting these documents to the CM/ECF system, they will be served on all parties of record according to the preferences chosen by those parties within the CM/ECF system. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on October 21, 2013, Los Angeles, California.

//S// Kristina S. Azlin
Kristina S. Azlin