

PETER E. HEUSER, OSB No. 811281
PHeuser@schwabe.com
DEVON Z. NEWMAN, OSB No. 014627
dnewman@schwabe.com
SCHWABE, WILLIAMSON & WYATT
1211 SW Fifth Avenue, Suite 1900
Portland, Oregon 97204
Telephone: (503) 222-9981

CHARLES W. SABER, admitted *pro hac vice*
SaberC@dicksteinshapiro.com
SALVATORE P. TAMBURO, admitted *pro hac vice*
TamburoS@dicksteinshapiro.com
MEGAN S. WOODWORTH
WoodworthM@dicksteinshapiro.com
S. GREGORY HERRMAN, admitted *pro hac vice*
HerrmanG@dicksteinshapiro.com
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006
Telephone: (202) 420-3116

ANTHONY P. CHO, admitted *pro hac vice*
ACho@cgolaw.com
CARLSON, GASKEY & OLDS, P.C.
400 West Maple Road, 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

SMITH & NEPHEW, INC, and JOHN O.
HAYHURST, M.D.,

Plaintiffs,

v.

ARTHREX, INC.,

Defendant.

Case No. 3:04-cv-00029-MO

DEFENDANT ARTHREX, INC.'S
AMENDED NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 3 and 28 U.S.C. §1291, notice is hereby given that Defendant Arthrex, Inc. (“Arthrex”), hereby submits the following amended Notice of Appeal to the United States Court of Appeals for the Federal Circuit in connection with the appeal docketed on December 12, 2013 as Appeal No. 14-1691. In addition to the orders, rulings, and judgments of the District Court for the District of Oregon already in the above captioned case referenced in Arthrex’s original Notice of Appeal (filed on October 15, 2013), Arthrex also appeals from:

1. The Order granting Plaintiffs’ Amended Motion for Supplemental Damages and Additional Pre-Judgment Interest, entered on December 6, 2013.
2. Any and all orders, rulings, and judgments underlying the foregoing.

Dated: January 6, 2014

By: /s/ Charles W. Saber

Charles W. Saber
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006-5403
Tel: (202) 420-2200
SaberC@dicksteinshapiro.com

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2014, I caused the foregoing **DEFENDANT ARTHREX, INC.'S AMENDED NOTICE OF APPEAL** to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

Counsel for Smith & Nephew Inc. and John O. Hayhurst, M.D.

Susan D. Pitchford
sdp@chernofflaw.com
CHERNOFF, VILHAUER, McCLUNG &
STENZEL, LLP
1600 ODS Tower
601 SW Second Avenue
Portland, OR 97204
Tel: (503) 227-5631

John M. Skenyon
skenyon@fr.com
Mark J. Hebert
hebert@fr.com
FISH & RICHARDSON, PC
One Marina Park Drive
Boston, MA 02110-1878
Tel: (617) 542-5070

Gregory R. Booker
Booker@fr.com
Fish & Richardson, P.C.
919 N. Market Street, Suite 1100
Wilmington, DE 19899-1114
Tel: (302) 652-5070

By: /s/ Charles W. Saber

Charles W. Saber
DICKSTEIN SHAPIRO LLP
1825 Eye Street NW
Washington, DC 20006-5403
Tel: (202) 420-2200
SaberC@dicksteinshapiro.com