

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:13-cv-60394-KMM (Moore/Torres)

ABB TURBO SYSTEMS AG and
ABB INC.,

Plaintiffs,

v.

TURBOUSA, INC.,
WILLEM FRANKEN, and
JOHAN HERMAN FRANKEN,

Defendants.

NOTICE OF APPEAL
(TO THE FEDERAL CIRCUIT)

NOTICE IS HEREBY GIVEN, pursuant to Fed. R. App. P. 3 and 4(a)(1)(A), that Plaintiffs ABB Turbo Systems AG and ABB Inc. (collectively, “ABB”) hereby appeal to the United States Court of Appeals for the Federal Circuit from the Court’s January 6, 2014, Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss (Dkt. No. 130), in which the Court dismissed with prejudice Counts VII and VIII of ABB’s Amended Complaint (Dkt. No. 81), but denied Defendants’ Motion to Dismiss as to the remaining Counts I–VI, and from the Final Judgment as to such dismissed Counts, entered on February 21, 2014. (Dkt. No. 140.) On January 31, 2014, the Court denied ABB’s Unopposed Motion for Entry of Partial Final Judgment pursuant to Fed. R. Civ. P. 54(b) of the Court’s January 6, 2014 Order. (Dkt. No. 138.) On February 21, 2014, the Court dismissed the remaining Counts I–VI, and entered Final Judgment. (Dkt. No. 140.)

The docketing fee required by 28 U.S.C. §1913 and the filing fee required by 28 U.S.C.

§1917 have been paid electronically through the Court's CM/ECF system.

Dated: March 12, 2014

Respectfully submitted,

s/William R. Trueba, Jr.
William R. Trueba, Jr.
Florida Bar No. 117544
Espinosa | Trueba, PL
1428 Brickell Ave., Suite 100
Miami, FL 33131
Telephone: (305) 854-0900
Fax: (855) 854-0900
wtrueba@etlaw.com

Kurt L. Glitzenstein – Trial Counsel
Pro Hac Vice
Fish & Richardson P.C.
One Marina Park Dr.
Boston, MA 02210
Telephone: (617) 542-5070
Fax: (617) 542-8906
glitzenstein@fr.com

Jack P. Smith III
Ajit S. Dang
Pro Hac Vice
Fish & Richardson P.C.
1180 Peachtree St. NE, 21st Floor
Atlanta, GA 30309
Telephone: (404) 892-5005
Fax: (404) 892-5002
jay.smith@fr.com
dang@fr.com

Attorneys for Plaintiffs
ABB Turbo Systems AG and
ABB Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 12, 2014, I filed the foregoing document with the Clerk of Court. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified.

s/William R. Trueba, Jr.
William R. Trueba, Jr.

SERVICE LIST

*ABB Turbo Systems AG and ABB, Inc. v. TurboUSA, Inc., Willem Franken, and
Johan Herman Franken*

United States District Court - Southern District of Florida
Case No. 0:13-60394-CV-KMM

Jeffrey Aaron Backman
E-mail : jeffrey.backman@gmlaw.com
Rebecca Faith Bratter
E-mail: rebecca.bratter@gmlaw.com
Richard Wayne Epstein
E-mail: Richard.epstein@gmlaw.com
Greenspoon Marder, P.A.
200 East Broward Blvd., Suite 1500
Fort Lauderdale, FL 33301
Tel: 954.491.1120
Fax: 954.213.0140
Attorneys for Defendant TurboUSA, Inc.
Via CM/ECF

Jan Douglas Atlas
Email: atlas@kolawyers.com
Florida Bar No. 226246
Samantha Tesser Haimo
Email: tesser@kolawyers.com
Florida Bar No. 148016
Kopelowitz Ostrow, P.A.
200 S.W. 1st Avenue, Suite 1200
Fort Lauderdale, Florida 33301
Telephone: (954) 525-4100
Facsimile: (954) 525-4300
*Attorneys for Defendant
Johan Herman Franken*
Via CM/ECF

Jack P. Smith, III (*pro hac vice*)
E-mail: jay.smith@fr.com
Ajit S. Dang (*pro hac vice*)
E-Mail: dang@fr.com
Fish & Richardson, P.C.
1180 Peachtree Street, NE
21st Floor
Atlanta, GA 30309
Tel.: 404.892.5005
Fax: 404.892.5002
*Attorneys for Plaintiffs ABB Turbo
Systems AG and ABB, Inc.*
Via CM/ECF

Kurt L. Glitzenstein (*pro hac vice*)
E-mail: glitzenstein@fr.com
Fish & Richardson, P.C.
One Marina Park Drive
Boston, MA 02210
Tel.: 617.542.5070
Fax: 617.542.8906
*Attorneys for Plaintiffs ABB Turbo
Systems AG and ABB, Inc.*
Via CM/ECF

William R. Trueba, Jr.
Florida Bar No. 117544
Email: wtrueba@etlaw.com
Jorge Espinosa
Florida Bar No. 779032
Email: Jespinosa@etlaw.com
Espinosa | Trueba, PL
1428 Brickell Ave., Suite 100
Miami, FL 33131
Tel.: 305.854.0900
Fax: 855.854.0900
*Attorneys for Plaintiffs ABB Turbo
Systems AG and ABB, Inc.*
Via CM/ECF