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22 **UNITED STATES DISTRICT COURT**
23 **SOUTHERN DISTRICT OF CALIFORNIA**

24 KFX MEDICAL CORP.

25 Plaintiff and Counterdefendant,

26 vs.

27 ARTHREX, INC.

28 Defendant and Counterclaimant.

Case No. 3:11-cv-1698

Hon. Dana M. Sabraw

**DEFENDANT ARTHREX, INC.'S
NOTICE OF APPEAL**

1 Pursuant to Fed. R. App. P. 3 and 28 U.S.C. §1291, notice is hereby given
2 that Defendant Arthrex, Inc. (“Arthrex”) hereby appeals to the United States Court of
3 Appeals for the Federal Circuit from the following orders, rulings, and judgments of
4 the District Court for the Southern District of California in the above captioned case:

5 1. The Order Denying in Part Arthrex’s Renewed Motion for Judgment as a
6 Matter of Law Pursuant to Rule 50(b) entered on February 18, 2014.

7 2. The Order Denying Arthrex’s Motion for a New Trial entered on
8 February 18, 2014.

9 3. The Order Granting in Part Plaintiff, KFx Medical Corp.’s (“KFx’s”) Motion to Amend the Judgment and Make Additional Findings entered on February
10 18, 2014, insofar as it granted KFx’s request for a prejudgment interest rate of 7%.

11 4. The Judgment in favor of KFx, entered on October 17, 2013, including
12 any amended judgments.

13 5. Any and all orders, rulings, and judgments underlying the foregoing,
14 including, but not limited to, the Order Construing Patent Claims entered on October
15 10, 2012, the Order Granting in Part Plaintiff’s Motion to Dismiss Defendant’s
16 Counterclaim entered on August 15, 2012, the Order Granting Plaintiff’s Motion for
17 Summary Judgment of No Inequitable Conduct in Connection With U.S. Patent No.
18 7,585,311 entered on October 15, 2012, the Order Denying Defendant’s Motion for
19 Summary Judgment entered on July 10, 2013, the Order Granting Plaintiff’s Motion
20 for Summary Judgment of No Inequitable Conduct in Connection With U.S. Patent
21 Nos. 8,100,942 and 8,109,969 entered on July 10, 2013, and all adverse motion in
22 limine rulings.
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1 Dated: March 19, 2014

By: /s/ Robert W. Dickerson, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2014, I caused the foregoing **DEFENDANT ARTHREX, INC.'S NOTICE 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.

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