

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INVISTA NORTH AMERICA S.À.R.L., and
AURIGA POLYMERS INC.,

Plaintiffs,

v.

M&G USA CORPORATION and
M&G POLYMERS USA, LLC,

Defendants.

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C.A. No. 11-1007-SLR-CJB

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

Notice is given that M&G USA Corporation and M&G Polymers USA, LLC (collectively, “M&G”), the defendants in the above named case, hereby appeal to the United States Court of Appeals for the Federal Circuit from the District Court's Final Judgment (D.I. 552) entered in this action on April 1, 2014 and the Injunction Order (D.I. 564) entered on April 21, 2014 as well as any and all other findings, determinations, conclusions, orders, opinions, decisions, judgments and rulings leading up to that, including, without limitation:

1. The Memorandum Order (D.I. 549) and Opinion (D.I. 550) entered in this action on March 31, 2014, denying Defendants' Motion to Amend the Pleadings (D.I. 365); denying Defendants' Motion for Reargument of the Court's July 16, 2013 Oral Order (D.I. 444); granting Plaintiffs' Motion for Permanent Injunction (D.I. 467); denying Defendants' Motion for Judgment as a Matter of Law on Invalidity (D.I. 470); and denying Defendants' Motion for Judgment as a Matter of Law on Non-infringement (D.I. 473).

2. The Judgment following the jury verdict, entered in this action on July 30, 2013 (D.I. 442).

3. The Oral Orders entered in this action, during trial, on July 22 and 23, 2013, granting Plaintiffs' Motion for Judgment as a Matter of Law regarding indirect infringement of claim 4 of U.S. Patent No. 7,943,216 and precluding testimony of Defendants' witness Steven Ryba as related to Plaintiff's proffer of the testimony of Steven Ryba (D.I. 431).

4. The Memorandum Order (D.I. 427) entered in this action on July 16, 2013, denying Defendants' Request to Preclude Plaintiffs From Presenting Testimony or Evidence Relating to M&G's Prior Product ActiTUF.

5. The Oral Order entered in this action, during teleconference, on July 16, 2013, sustaining Plaintiffs' Objections to Magistrate Judge Burke's June 25, 2013 Memorandum Order (D.I. 384) directed to a discovery ruling compelling production of certain documents.

6. The Memorandum Order (D.I. 421) entered in this action on July 12, 2013, denying Defendants' Motion for Reconsideration and Request for Expedited Briefing and rejecting the proffer as to Dr. Kevin Rollick proposed testimony.

7. The Memorandum Order (D.I. 382) and Opinion (D.I. 383) entered in this action on June 25, 2013, granting in part Plaintiffs' Motion for Summary Judgment regarding Infringement, denying Defendants' Motion for Summary Judgment regarding Invalidity, granting in part Plaintiffs' Cross Motion for Summary Judgment regarding Validity, and denying in part Defendants' Cross Motion for Summary Judgment regarding Non-Infringement.

8. The Memorandum Order (D.I. 379) and Opinion (D.I. 380) entered in the action on June 25, 2013, regarding claim construction.

9. The Memorandum Order (D.I. 378) entered in this action on June 25, 2013, granting Plaintiffs' Motion to Strike M&G's Summary Judgment Declarations and Supplemental Interrogatory Response Regarding M&G's Core Technical Documents, granting in part

Plaintiffs' Motion to Strike Portions of Dr. Robert B. Moore's Reply Expert Report and Dr. Moore's References to and Reliance Upon Certain Experimental Data, and denying Defendants' Motion to Exclude Expert Testimony of Dr. S. Richard Turner Regarding Infringement of the Patents-In-Suit and Secondary Considerations.

10. The Order (D.I. 350) entered in this action on May 30, 2013, adopting Judge Burke's Report and Recommendation (D.I. 339) and denying Defendants' motion for leave to amend the pleadings (D.I. 91).

Respectfully submitted,

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Dated: April 23, 2014
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CERTIFICATE OF SERVICE

I, Richard L. Horwitz, hereby certify that on April 23, 2014, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I further certify that on April 23, 2014, the attached document was Electronically Mailed to the following person(s):

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