

1 SNELL & WILMER L.L.P.
2 Brian G. Arnold (State Bar No. 186007)
3 barnold@swlaw.com
4 350 South Grand Avenue, Suite 2600
5 Two California Plaza
6 Los Angeles, California 90071
7 Telephone: 213.929.2500
8 Facsimile: 213.929.2525

9 LOEB & LOEB LLP
10 Mark D. Campbell (State Bar No. 180528)
11 mcampbell@loeb.com
12 Laura A. Wytsma (State Bar No. 189527)
13 lwytsma@loeb.com
14 10100 Santa Monica Blvd., Suite 2200
15 Los Angeles, CA 90067-4120
16 Telephone: 310.282-2000
17 Facsimile: 310.282-2200

18 Attorneys for Plaintiff and Counterdefendant
19 ILLINOIS TOOL WORKS INC., dba
20 WYNN'S

21 UNITED STATES DISTRICT COURT
22 SOUTHERN DISTRICT OF CALIFORNIA

23 ILLINOIS TOOL WORKS INC., DBA
24 WYNN'S, a Delaware corporation,

25 Plaintiff,

26 v.

27 MOC PRODUCTS COMPANY, INC., a
28 California corporation,

Defendant.

MOC PRODUCTS COMPANY, INC., a
California corporation,

Counterclaimant,

v.

ILLINOIS TOOL WORKS INC., DBA
WYNN'S, a Delaware corporation,

Counterdefendant.

Case No. CV-09-01887 JLS (MDD)

NOTICE OF APPEAL

Assigned to Hon. Janis L. Sammartino

1 Pursuant to 28 U.S.C. § 1295 and Rules 3 and 4(a)(3) of the Federal Rules of
2 Appellate Procedure, Plaintiff Illinois Tool Works Inc., dba Wynn's ("ITW") hereby
3 appeals to the United States Court of Appeals for the Federal Circuit from the Court's
4 Judgment of November 18, 2013 (ECF No. 413) and from all decisions, opinions,
5 orders, and rulings subsumed therein and/or entered prior to or following the Judgment
6 in this action, as well as any and all decisions, opinions, orders and rulings entered by
7 the District Court after entry of judgment, including but not limited to the following:

- 8 • ECF No. 78: ORDER granting ECF No. 38 Defendant's Motion for
9 Summary Adjudication re pre-filing damages for '629 and '855 patents
10 (Entered on December 6, 2010).
- 11 • ECF No. 99: ORDER on Claim Construction (Entered on May 12,
12 2011).
- 13 • ECF No. 219: ORDER (1) granting in part and denying in part ECF
14 No. 162 Plaintiff's Motion for Summary Judgment of Infringement;
15 (2) denying ECF No. 172 Defendant's Motion for Summary
16 Adjudication for Invalidity of U.S. Patent '638 Pursuant to 35 U.S.C. §
17 102 and Under the Doctrine of Laches; and (3) granting in part and
18 denying in part ECF No. 175 Defendant's Motion for Summary
19 Adjudication for Invalidity of U.S. Patent Nos. '855 and '629 and
20 Non-Infringement of U.S. Patent No. '629 and No Liability Under the
21 Doctrine of Equitable Estoppel (Entered on March 6, 2012).
- 22 • ECF No. 289: ORDER on Motions In Limine granting in part and
23 denying in part ECF No. 247 Motion to Exclude; denying ECF No.
24 250 Motion to Exclude; granting ECF No. 251 Motion to Exclude;
25 granting ECF No. 252 Motion to Exclude; granting in part and denying
26 without prejudice in part ECF No. 253 Motion to Preclude; deferring
27 ruling on ECF No. 254 Motion to Preclude; denying in part and
28

deferring ruling in part on 255 Motion to Preclude; granting in part and denying in part ECF No. 256 Motion to Preclude; deferring ruling on ECF No. 257 Motion to Preclude (Entered on August 17, 2012).

- ECF No. 307: ORDER Granting In Part and Denying In Part Plaintiff's Remaining Motions in Limine re ECF No. 254 Motion to Preclude; ECF No. 255 Motion to Preclude; ECF No. 257 Motion to Preclude (Entered on October 15, 2012).
- ECF No. 350: Minute Entry for trial proceedings (8th Day) held before Judge Janis L. Sammartino: Review of jury instructions; Plaintiff and defense rest; jury instructed (Entered on November 14, 2012).
- ECF No. 383: ORDER on Post-Trial Matters for United States Patent Number 6,073,638, Including (1) Motions for Judgment as a Matter of Law and New Trial; and (2) Rulings on Equitable Matters Tried to the Court re ECF Nos. 367 and 368 (Entered on June 24, 2013).
- ECF No. 410: ORDER Regarding ECF No. 385 Enhanced Damages, Prejudgment Interest, and Attorney's Fees (Entered on October 25, 2013).
- ECF No. 413: JUDGMENT (Entered on November 18, 2013).

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$450.00) as required by 28 U.S.C. § 1917 and Federal Circuit Rule 52(a)(3)(A), respectively, and Federal Rule of Appellate Procedure 3(e).

Dated: July 14, 2014

SNELL & WILMER L.L.P.

By: /s/ Brian G. Arnold
Attorneys for Plaintiff and
Counterdefendant ILLINOIS TOOL
WORKS INC., dba WYNN'S

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in Los Angeles, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 350 S. Grand Avenue, Suite 2600, Los Angeles, California 90071.

On July 14, 2014, I served the **NOTICE OF APPEAL** on all counsel of record via the Court's Case Management/Electronic Case Filing and/or electronic mail.

I declare upon the penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on July 14, 2014, at Los Angeles, California.

/s/ *Brian G. Arnold*
Brian G. Arnold