

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COGNEX CORP., and COGNEX
TECHNOLOGY & INVESTMENT LLC,

Plaintiffs,

v.

MICROSCAN SYSTEMS, INC., and THE
CODE CORPORATION,

Defendants.

Case No. 13 Civ. 02027 (JSR)

ECF Case

JURY TRIAL DEMANDED

NOTICE OF APPEAL

On April 30, 2014, the jury entered a verdict of \$2,578,286 against defendants Microscan Systems, Inc. and The Code Corporation. ECF No. 202. On June 30, 2014, the Court entered an order resolving all post-judgment motions, except the amount of attorney's fees, and entered a permanent injunction. ECF No. 252. The fact that the amount of attorney's fees has not yet been determined does not make the judgment otherwise non-final. *Budinich v. Becton Dickinson & Co.*, 486 U.S. 196, 202-203 (1988) ("[A] decision on the merits is a 'final decision' . . . whether or not there remains for adjudication a request for attorney's fees attributable to the case."); *see Orenshteyn v. Citrix Sys., Inc.*, 691 F.3d 1356, 1357-1358 (Fed. Cir. 2012).

Thus, pursuant to 28 U.S.C. § 1295(a)(1), and § 1292(a)(1) and (c)(1), defendants Microscan Systems, Inc. and The Code Corporation hereby note an appeal to the United States Court of Appeals for the Federal Circuit from the Order dated June 29, 2014 and entered on June 30, 2014 and from all other orders, rulings, findings, and/or conclusions of the Court that were adverse to defendants.

A payment of \$505 representing the fees for docketing a case on appeal (*see* 28 U.S.C. § 1913) and for filing a notice of appeal (*see* 28 U.S.C. § 1917) has been transmitted via the Court's online payment system.

Dated: July 25, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2014, I electronically filed the foregoing with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

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