

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VEHICLE OPERATION TECHNOLOGIES LLC, Plaintiff, v. BMW OF NORTH AMERICA, LLC, Defendant.	C.A. No. 13-538-RGA
VEHICLE OPERATION TECHNOLOGIES LLC, Plaintiff, v. NISSAN NORTH AMERICA INC., Defendant.	C.A. No. 13-541-RGA
VEHICLE OPERATION TECHNOLOGIES LLC, Plaintiff, v. MITSUBISHI MOTORS NORTH AMERICA INC., Defendant.	C.A. No. 13-712-RGA

DEFENDANTS' NOTICE OF CROSS-APPEAL

Please take notice that Defendants BMW of North America, LLC, Nissan North America Inc. and Mitsubishi Motors North America Inc. ("Defendants") cross-appeal to the United States Court of Appeal for the Federal Circuit from the September 12, 2014 Order as to the denial of monetary sanctions as to counsel for Plaintiff Vehicle Operation Technologies LLC ("VOT"). Also, Defendants intend to seek further sanctions in the cross-appeal against VOT and its counsel under Federal Rule of Appellate Procedure 38 for VOT's pursuit of a frivolous appeal.

Respectfully submitted,

OF COUNSEL:

Lionel M. Lavenue
FINNEGAN, HENDERSON, FARABOW,
GARRET & DUNNER, LLP
Two Freedom Square
11955 Freedom Dr.
Reston, VA 20190
(571) 203-2700
lionel.lavenue@finnegan.com

R. Benjamin Cassady
FINNEGAN, HENDERSON, FARABOW,
GARRET & DUNNER, LLP
901 New York Avenue, NW
Washington, D.C.
(202) 408-4000
ben.cassady@finnegan.com

Date: September 26, 2014

OF COUNSEL:

Reginald J. Hill
Peter J. Brennan
JENNER & BLOCK LLP
353 North Clark Street
Chicago, IL 60654
(312) 222-9350
rhill@jenner.com
pbrennan@jenner.com

Date: September 26, 2014

/s/ Karen E. Keller

Karen E. Keller (#4489)
SHAW KELLER LLP
300 Delaware Avenue,
Suite 1120
Wilmington, DE 19801
(302) 298-0700
kkeller@shawkeller.com

*Attorneys for Defendant
BMW of North America, LLC*

/s/ Benjamin J. Schladweiler

Collins J. Seitz, Jr. (#2237)
Benjamin J. Schladweiler (#4601)
SEITZ ROSS ARONSTAM & MORITZ LLP
100 S. West Street, Suite 400
Wilmington, DE 19801
(302) 576-1600
cseitz@seitzross.com
bschladweiler@seitzross.com

*Attorneys for Defendant
Nissan North America, Inc.*

OF COUNSEL:

Charles Gorenstein
Michael T. Smith
Ali M. Imam
BIRCH STEWART KOLASCH BIRCH LLP
mailroom@bskb.com
8110 Gatehouse Road
Suite 100 East
Falls Church, Virginia 22042
(703) 205-8000

Date: September 26, 2014

/s/ Sean T. O'Kelly

Sean T. O'Kelly
O'KELLY, ERNST, BIELLI & WALLEN, LLC
1000 N. West St., Suite 1200
Wilmington, Delaware 19801
(302) 295-4905
sokelly@oeblegal.com

*Attorneys for Defendant and Counterclaimant
Mitsubishi Motors North America, Inc.*