

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

XY, LLC,	§
	§
Plaintiff/	§
Counter Defendant,	§
	§
v.	§ Civil Action No. 1:13-cv-00876-WJM-NYW
	§
TRANS OVA GENETICS, LC,	§
	§
Defendant/	§
Counter Claimant.	§

XY LLC’S NOTICE OF CROSS-APPEAL

Notice is hereby given that plaintiff and counter-defendant XY, LLC, in the above-captioned case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment of the District Court entered on April 19, 2016 (Dkt. No. 507), and relevant order(s) thereto—including the District Court’s Order on Post-Trial Motions (Dkt. No. 500). This Notice of Cross-Appeal is filed within the time limit prescribed by Federal Rule of Appellate Procedure 4(a)(3). *See* Dkt. No. 514 (Notice of Appeal filed by Trans Ova Genetics, LC, dated May 9, 2016). But in light of XY’s Motion to Alter or Amend the Judgment Under Rule 59(e), or in the Alternative, Motion to Reconsider Order on the Award of an Ongoing Royalty Rate (Dkt. No. 505) currently pending before the District Court, this Notice of Cross-Appeal need not be filed or “become[] effective” until “the order disposing of the last such remaining motion is entered.” FED. R. APP. P. 4(a)(4)(B)(i) (addressing circumstance in which “a party files a notice of appeal after the court announces or enters a judgment—but before it disposes of any motion listed in Rule 4(a)(4)(A)”); *see id.* 4(a)(4)(A)(v) (extending time to file notice of appeal in light of motion “to alter or amend the judgment under Rule 59”).

SUBMITTED BY:

/s/ Kirt S. O'Neill

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically with the Clerk of Court using the CM/ECF system. As such, this document was served on all counsel who are deemed to have consented to electronic service. All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 23rd day of May, 2016.

/s/ Kirt S. O'Neill
Kirt S. O'Neill