

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WISCONSIN

Taurus IP, LLC,)	Case No. 3:07-CV-477-C
)	
Plaintiff,)	
)	
v.)	NOTICE OF APPEAL
)	
Hyundai Motor America,)	
Reebok International, Ltd.,)	
Puma North America, Inc.)	
Puma AG Rudolph Dassler Sport,)	
Polo Ralph Lauren Corp., and)	
Michelin North America, Inc.)	
)	
Defendants.)	

**NOTICE OF APPEAL OF
MANUFACTURING SYSTEMS TECHNOLOGIES, LLC
(f/k/a TAURUS IP, LLC)**

NOTICE IS HEREBY GIVEN that Manufacturing Systems Technologies, LLC (f/k/a Taurus IP, LLC) ("MST"), plaintiff in the above-named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the District Court's Judgment dated June 5, 2008 and entered June 6, 2008, and all adverse orders and judgments of the District Court in the above numbered and styled action, including the following:

1. The District Court's Judgment entered June 6, 2008, Docket No. 99, and all adverse rulings, orders, and findings of the Court encompassed within that final Judgment, including but not limited to the following:
 - (i) The District Court's Judgment in favor of Hyundai Motor America and Michelin North America, Inc. and against Plaintiff MST regarding MST's

complaint for infringement of United States Patent No. 6,141,658 (“the ‘658 patent”).

- (ii) The District Court’s Judgment in favor of defendant Hyundai Motor America (“Hyundai”) and against plaintiff MST on Count I of Hyundai’s first amended counterclaims.
 - (iii) The District Court’s Judgment in favor of Michelin North America, Inc. (“Michelin”) and against plaintiff MST on count II of Michelin’s counterclaims.
 - (iv) The District Court’s Judgment in favor of Hyundai on count II of Hyundai’s amended answer and counterclaim that Claim 16 of the ’658 patent is invalid under 35 U.S.C. § 102(e)(2) as anticipated by United States Patent No. 5,825,651 and Claim 27 of the ’658 patent is invalid under 35 U.S.C. § 102(e)(2) as anticipated by United States Patent No. 5,825,651.
 - (v) The District Court’s Judgment in favor of Michelin on count I of Michelin’s answer and counterclaim that Claim 16 of the ’658 patent is invalid under 35 U.S.C. § 102(e)(2) as anticipated by United States Patent No. 5,825,651 and Claim 27 of the ’658 patent is invalid under 35 U.S.C. § 102(e)(2) as anticipated by United States Patent No. 5,825,651.
2. The District Court’s Judgment, entered June 6, 2008, Docket No. 99, which impliedly relies on certain rulings, orders, and judgments in a related case, *Taurus IP, LLC v. Daimler Chrysler, et al.*, No. 3:07-cv-00158 (the “158 Case”), which

involves the following opinions, orders, and judgments, all of which are expressly complained of, challenged, and incorporated by reference for purposes of MST's appeal to the United States Court of Appeals for the Federal Circuit in this notice of appeal:¹

- (i) The District Court's Judgment entered June 4, 2008, Docket No. 553 in the amount of \$1,644,906.12, and all adverse rulings and findings, including all prior orders and rulings of the Court, encompassed within that final Judgment.
- (ii) The District Court's November 9, 2007 Claim Construction Order, Docket No. 242.
- (iii) The District Court's order granting the motion for summary judgment of Defendants DaimlerChrysler Corporation, Daimler Chrysler Company LLC, Chrysler, LLC, Chrysler Holding, LLC and Chrysler Financial, LLC on MST's claims that Defendants directly and indirectly infringed claims 16, 19, 22, 23 and 27 of United States Patent No. 6,141,658 ('658 patent) (Docket No. 286 (motion); Docket No. 425:72-73 (opinion and order)).
- (iv) The District Court's order granting the motion for summary judgment of Defendants DaimlerChrysler Corporation, Daimler Chrysler Company LLC, Chrysler, LLC, Chrysler Holding, LLC, Chrysler Financial, LLC, and

¹ Thus, the record that includes the documents on which MST relies for its appeal in this case—No. 3:07-cv-477-C—are found in the related case that was pending in the same District Court: *Taurus IP, LLC v. Daimler Chrysler, et al.*, No. 3:07-cv-00158.

Mercedes-Benz USA on their arguments that claims 16 and 27 of the '658 patent are anticipated by the prior art.

- (v) The District Court's order finding "exceptional case" status, Docket No. 425, and awarding attorney's fees under 35 U.S.C. § 285.
- (vi) The District Court's denial of MST's motion to alter or amend the judgment of invalidity (Docket No. 552:45-47 (opinion and order)).
- (vii) The District Court's Order, entered June 23, 2008, Docket No. 556, denying MST's (Renewed) Motion for Judgment as a Matter of Law (Docket No. 555).

Made at Madison, Wisconsin this 3rd day of July, 2008.

/s/ Michael J. Newton

Mark A. Cameli
David G. Hanson
Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202
Telephone: 414-298-1000
Facsimile: 414-298-8097
Mailing Address:
P.O. Box 2965
Milwaukee, WI 53201-2965
mcameli@reinhartlaw.com
dhanson@reinhartlaw.com

Kajeer Yar
Yar Law Firm
2431 East 61st Street, Suite 320
Tulsa, OK 74136
kyar@yarlawfirm.com

Michael J. Newton
The Law Offices of Michael J. Newton
2714 Beverly Drive
Flower Mound, TX 75022
mike@mjnfirm.com

*Attorneys for Manufacturing Systems
Technologies, LLC (f/k/a Taurus IP, LLC)*

CERTIFICATE OF SERVICE

The undersigned does certify that all counsel of record who are deemed to have consented to electronic service are being served this 3rd day of July, 2008, with a copy of this document via the Court's CM/ECF system per the Administrative Procedures for Electronic Case Filing and Service (Rule IIIIE(3)).

/s/ Michael J. Newton

Michael J. Newton