

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____)	
VEECO INSTRUMENTS INC.,)	
)	
Plaintiff,)	
)	Civil Action No. 1:17cv2217 (PKC)
v.)	
)	
SGL CARBON, LLC et al.,)	
)	
Defendants.)	
_____)	

NOTICE OF CROSS-APPEAL

Notice is hereby given that Plaintiff Veeco Instruments Inc. in the above-named case, hereby cross-appeals to the United States Court of Appeals for the Federal Circuit, pursuant to 28 U.S.C. § 1292(c)(1) and Fed. R. App. P. 4, from this Court’s November 2, 2017 Memorandum and Order (Dkt. 65, “PI Order”) granting in part and denying in part Plaintiff Veeco Instruments Inc.’s Motion for Preliminary Injunction. Specifically, Veeco appeals to the extent the PI Order does not enjoin SGL Carbon, LLC from making likely infringing apparatuses (PI Order at 76), and all decisions, rulings, and orders relating to that aspect of the Order, including the Court’s construction of claim 1 (and those claims depending therefrom) as requiring a rotatable spindle (PI Order at 33-44) and the Court’s finding that SGL Carbon, LLC likely is not liable for infringement under 35 U.S.C. § 271(a) (PI Order at 44).

A payment of \$505 representing the \$5 filing fee required by 28 U.S.C. § 1917 and the \$500 docketing fee required by Federal Circuit Rule 52(a)(3) is transmitted via this Court’s online payment system with this Notice of Appeal, pursuant to Federal Rule of Appellate Procedure 3(e) and Federal Circuit Rule 52(a)(2).

Respectfully submitted,

Dated: November 20, 2017

By: /s/ Andrew N. Thomases

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CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2017, the foregoing document was filed with the Clerk of the Court and served in accordance with the Eastern District's Rules on Electronic Service upon the following parties and participants:

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November 20, 2017

/s/ Cassandra B. Roth
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