

TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant Designs For Health, Inc. ("DFH") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Order Denying Defendant's Motion to Dismiss Pursuant To Fed. R. Civ. P. 12(b)(3) dated January 25, 2018 (ECF No. 55), and all rulings, proceedings, orders, findings, and decisions (whether oral or written) inseparably or very closely connected with the merits of, incorporated within, or underlying the Court's Judgment.

Respectfully submitted,

DeLIO, PETERSON & CURCIO, LLC

Dated: June 8, 2018

By: /s/Peter W. Peterson
Peter W. Peterson

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DESIGNS FOR HEALTH, INC

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CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in New Haven County, Connecticut. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 700 State Street, New Haven, Connecticut 06511. On June 8, 2018, I served a copy of the within document(s):

DEFENDANT DESIGNS FOR HEALTH, INC.'S NOTICE OF CROSS-APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

(BY MAIL) by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at New Haven, Connecticut addressed as set forth below, and

(BY E-MAIL) by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 8, 2018, at New Haven, Connecticut.


Barbara Colon