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    DESIGNS FOR HEALTH, INC.
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                IN THE UNITED STATES DISTRICT COURT
                   CENTRAL DISTRICT OF CALIFORNIA
16
                           WESTERN DIVISION
17
                                       ) Case No. 2:16-cv-07749 SJO (PJWx)
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    AKESO HEALTH SCIENCES, LLC,
19
                                         Hon. S. James Otero
               Plaintiff,
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                                         DEFENDANT DESIGNS FOR
          v.
21
                                         HEALTH, INC.'S NOTICE OF
    DESIGNS FOR HEALTH, INC.,
                                         CROSS-APPEAL TO THE
22
                                         UNITED STATES COURT OF
               Defendant.
23
                                         APPEALS FOR THE FEDERAL
                                         CIRCUIT
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TO PLAINTIFF AND ITS ATTORNEYS OF RECORD: 1 2 PLEASE TAKE NOTICE that Defendant Designs For Health, Inc. 3 ("DFH") hereby appeals to the United States Court of Appeals for the Federal 4 Circuit from the Order Denying Defendant's Motion to Dismiss Pursuant To 5 6 Fed. R. Civ. P. 12(b)(3) dated January 25, 2018 (ECF No. 55), and all rulings, 7 proceedings, orders, findings, and decisions (whether oral or written) 8 inseparably or very closely connected with the merits of, incorporated within, or 9 10 underlying the Court's Judgment. 11 Respectfully submitted, 12 13 **DeLIO, PETERSON & CURCIO, LLC** 14 Dated: June 8, 2018 By: /s/Peter W. Peterson Peter W. Peterson 15 16 Attorneys for Defendant **DESIGNS FOR HEALTH, INC** 17 Douglas G. Muehlhauser 18 Peter W. Peterson (SBN 179495) doug.muehlhauser@knobbe.com 19 David R. Pegnataro KNOBBE, MARTENS, OLSON delpet@delpet.com 20 & BEAR, LLP DeLIO, PETERSON & CURCIO, LLC 2040 Main Street, 14th FL. 700 State Street, Suite 402 21 Irvine, CA 92614 New Haven, Connecticut 06511 22 Tel. (949) 760-0404 Tel (203) 787-0595 Fax (949) 760-9502 23 Fax (203) 787-5818 24 25

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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.

Shawn G. Hansen (SBN 197033) shansen@nixonpeabody.com NIXON PEABODY LLP 300 S. Grand Avenue, Suite 4100 Los Angeles, CA 90071-3151

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

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