

Honorable James P. Donohue

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EKO BRANDS, LLC.

Plaintiff,

v.

ADRIAN RIVERA MAYNEZ  
ENTERPRISES, INC.; AND ADRIAN  
RIVERA

Defendants.

Civil Action No. 15-cv-522JPD

## NOTICE OF CROSS-APPEAL

Notice is hereby given that Eko Brands, LLC (“Eko”) in the above-captioned matter cross-appeals to the United States Court of Appeals for the Federal Circuit from the Judgment in a Civil Case entered July 13, 2018 (Dkt. 273). Specifically, Eko cross-appeals the judgment (including all related and underlying rulings) that “1. Plaintiff is awarded damages...in the amount of \$192,801.00 ... 3. Pursuant to 35 U.S.C. § 285 and Fed R. Civ. P. 11, plaintiff is awarded judgment in the amount of \$63,093.00 as set forth in the Court’s Order dated July 13, 2018” (referring to Dkt. 271) and “5. Defendant ARM’s infringement of the DeMiglio 855 patent was not willful.” Eko further appeals all applicable related rulings, including but not limited to the jury instruction(s) related to the question of willfulness, the denial of a request for new trial as to willfulness, and the denial of enhanced damages as it relates to the finding of willfulness.



1 RESPECTFULLY SUBMITTED August 13, 2018

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel or parties of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

s/ Timothy Billick