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 11 ILLUMINA, INC. and VERINATA HEALTH, INC.

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

14 VERINATA HEALTH, INC.,
 15 and
 16 THE BOARD OF TRUSTEES OF THE
 LELAND STANFORD JUNIOR
 17 UNIVERSITY
 18 Plaintiffs and
 Counterclaim-Defendants,
 19 v.
 20 ARIOSIA DIAGNOSTICS, INC.,
 21 and
 22 LABORATORY CORPORATION OF
 AMERICA HOLDINGS,
 23 Defendants and
 Counterclaim-Plaintiffs.
 24
 25 ILLUMINA, INC.,
 Plaintiff,
 26 v.
 27 ARIOSIA DIAGNOSTICS, INC.,
 28 Defendant.

Case No. 3:12-cv-05501-SI (consolidated
 with Case No. 3:14-cv-01921-SI and Case
 No. 3:15-cv-02216-SI)

**PLAINTIFFS ILLUMINA, INC. AND
 VERINATA HEALTH, INC.’S
 PROTECTIVE NOTICE OF APPEAL
 TO THE UNITED STATES COURT OF
 APPEALS FOR THE FEDERAL
 CIRCUIT**

Judge: Hon. Susan Illston

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ILLUMINA, INC.,
Plaintiff,
v.
ARIOSIA DIAGNOSTICS, INC., AND
ROCHE MOLECULAR SYSTEMS, INC.,
Defendants.

1 Notice is hereby given that, pursuant to 28 U.S.C. § 1295(a)(1), plaintiffs Illumina, Inc.
2 and Verinata Health, Inc. (collectively “Plaintiffs”) hereby appeal to the United States Court of
3 Appeals for the Federal Circuit from the district court’s July 19, 2018 Order re Post-Trial Motions
4 (Docket No. 705) denying them relief beyond the jury verdict and all interlocutory or other orders
5 subsidiary or relating to it and any final judgment in this case that denies them relief beyond the
6 jury verdict.

7 Plaintiffs state their belief that the district court has not rendered a Final Judgment in these
8 consolidated actions and that their motion for prejudgment interest (Docket No. 662) remains
9 unaddressed. Out of an abundance of caution, Plaintiffs file this protective notice of appeal to
10 preserve their rights to appeal regardless.

11 With this notice, Plaintiffs provide payment in the amount of \$505.00 for docketing this
12 Notice of Appeal, as required by Federal Rule of Appellate Procedure 3 and 28 U.S.C. §§ 1913
13 and 1917.

14
15 Dated: August 28, 2018

Respectfully submitted,

16 WEIL, GOTSHAL & MANGES LLP

17 By: /s/ Edward R. Reines
18 Edward R. Reines

19 *Attorney for Plaintiffs and Counterclaim Defendants*
20 ILLUMINA, INC. and VERINATA HEALTH, INC.