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 17 TOXICOLOGY SERVICES, INC., INNOVACON,
 INC., INSTANT TECHNOLOGIES, INC.

18 **UNITED STATES DISTRICT COURT**
 19 **SOUTHERN DISTRICT OF CALIFORNIA**
 20

21 REMBRANDT DIAGNOSTICS, LP,

22 Plaintiff,

23 v.

24 ALERE, INC., ALERE
 25 TOXICOLOGY SERVICES, INC.,
 INNOVACON, INC., and INSTANT
 26 TECHNOLOGIES, INC.,

27 Defendants.

Case No.: 3:16-cv-0698 CAB (NLS)

**DEFENDANTS' NOTICE OF APPEAL
 TO THE UNITED STATES COURT OF
 APPEALS FOR THE FEDERAL
 CIRCUIT**

Dept.: 4C
 Judge: Hon. Cathy Ann Bencivengo

1 Notice is hereby given that defendants Alere, Inc., Alere Toxicology Services,
2 Inc., Innovacon, Inc., and Instant Technologies, Inc. hereby appeal to the United States
3 Court of Appeals for the Federal Circuit from the Clerk’s Judgment (Dkt. No. 348)
4 entered in this action on February 11, 2019, and from the Amended Clerk’s Judgment
5 (Dkt. No. 349) entered in this action on February 12, 2019.

6 In appealing from the Clerk’s Judgment and the Amended Clerk’s Judgment,
7 defendants appeal from any and all orders antecedent and ancillary thereto, including
8 any and all interlocutory judgments, decrees, decisions, rulings, opinions, and verdicts
9 that merged into and became part of the Clerk’s Judgment and the Amended Clerk’s
10 Judgment, that shaped the Judgment and the Amended Clerk’s Judgment, that are
11 related to the Clerk’s Judgment and the Amended Clerk’s Judgment, and upon which
12 the Clerk’s Judgment and the Amended Clerk’s Judgment are based.

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1 Dated: March 11, 2019

Respectfully submitted,

2 By: /s/ Jason M. Wilcox
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 17 INSTANT TECHNOLOGIES, INC.

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CERTIFICATE OF SERVICE

I am a citizen of the United States of American and I am employed at Kirkland & Ellis, LLP. I am over the age of 18 and not a party to this action. My business address is 655 Fifteenth St, NW, Washington, DC, 20005.

On March 11, 2019, I served the within NOTICE OF APPEAL on the parties or their counsel shown below **VIA EMAIL**.

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I certify and declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 11, 2019, at Washington, DC.

/s/ Jason M. Wilcox
Jason M. Wilcox