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HOIST FITNESS SYSTEMS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HOIST FITNESS SYSTEMS, INC.,
a California corporation,
Plaintiff,

v.

TUFFSTUFF FITNESS
INTERNATIONAL, INC.,
Defendant.

CASE NO. 5:17-CV-01388 AB (KK)

NOTICE OF APPEAL

District Judge:
Hon. André Birotte Jr.

Magistrate Judge:
Hon. Kenly Kiya Kato

AND RELATED COUNTER-ACTIONS

NOTICE IS HEREBY GIVEN that Plaintiff, Hoist Fitness Systems, Inc., appeals to the United States Court of Appeals for the Federal Circuit from the Joint Stipulation (ECF No. 298) and Final Judgment (ECF No. 300) entered September 10, 2019, and from each and every part thereof; from any and all adverse prior rulings, orders, and determinations antecedent to the final judgment; and from any and all adverse prior rulings, orders, and determinations merged into the final judgment; including but not limited to the Claim Construction Order and additional orders further construing and clarifying constructions (ECF Nos. 111, 188, 279, on the record during Status Conference of September 9th, 2019); the Order striking Plaintiff's Supplemental Expert Report (ECF No. 297).

Dated: October 4, 2019

GORDON & REES LLP

By: /s/ Susan B. Meyer

Susan B. Meyer
 Sean D. Flaherty
 Lara S. Garner
 Matthew G. Kleiner
 Attorneys for Plaintiff and
 Counterdefendant
 HOIST FITNESS SYSTEMS, INC.

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon & Rees LLP 101 W. Broadway, Suite 2000, San Diego, CA 92101, my electronic mail address is sheard-keeling@grsm.com. On October 4, 2019, I served the following document(s):

DEFENDANT HOIST FITNESS SYSTEMS, INC.'S NOTICE OF APPEAL

- ☐ **BY PERSONAL SERVICE BY CAUSE.** I caused to be personally delivered the document(s) listed above to the person(s) set forth below pursuant to FRCP 5(b)(2)(B).
- ☐ **BY ELECTRONIC MAIL** by transmitting via electronic mail the document(s) listed above to the address(es) listed below on this date pursuant to FRCP 5(b)(2)(E).
- ☐ **BY OVERNIGHT DELIVERY:** by placing a true copy thereof enclosed in a sealed envelope, at a station designated for collection and processing of envelopes and packages for overnight delivery **by Federal Express** as part of the ordinary business practices of Gordon & Rees LLP, addressed as set forth below.
- ☒ **BY ELECTRONIC SERVICE THROUGH THE CM/ECF SYSTEM** which automatically generates a Notice of Electronic Filing at the time said document is filed to the email address(es) listed in the Electronic Mail Notice List and denoted below, which constitutes service pursuant to FRCP 5(b)(3).

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6 I declare under penalty of perjury under the laws of the United States of
7 America that the above is true and correct.

8 Executed on October 4, 2019 at San Diego, California.

9 *Sheila Heard-Keeling*
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