

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SIMO HOLDINGS INC.,

Plaintiff,

v.

HONG KONG UCLOUDLINK NETWORK
TECHNOLOGY LIMITED and
UCLOUDLINK (AMERICA), LTD.,

Civil Action No. 1:18-cv-05427 (JSR)

Defendants.

DEFENDANTS' SECOND SUPPLEMENTAL NOTICE OF APPEAL

On September 13, 2019, Defendants uCloudlink (America), Ltd. and Hong Kong UCloudlink Network Technology Ltd. (together “uCloudlink”) filed a Notice of Appeal from the final judgment entered in this action on June 12, 2019 (D.I. 207) (including any and all adverse orders and rulings underlying that judgment) and from any and all adverse rulings made by the Court on post-trial motions (D.I. 264). (*See* D.I. 267.) In that previous notice, uCloudlink reserved the right to supplement the notice should further action by this Court so necessitate. (*See id.* at 2.)

On October 2, 2019, uCloudlink filed its first supplemental notice of appeal, appealing two additional orders: (1) an order awarding SIMO supplemental damages for foreign use of domestically sold products, despite uCloudlink’s contention that doing so would violate its 7th Amendment right (and other arguments), (D.I. 272); and (2) an order clarifying this Court’s injunction does not contain an exception for colorably different products (D.I. 273). uCloudlink noted that while appeal of these orders was proper because they enjoined uCloudlink from selling its re-designed product and because the damages award was final except for an

accounting, uCloudlink reserved the right to file further supplemental notices should further action by the Court so necessitate.

On October 16, 2019, this Court entered an Amended Judgment against uCloudlink awarding compensatory damages in the amount of \$7,540,221; Thirty percent enhancement of compensatory damages: \$655,069; and Pre-judgment interest at the prime rate: \$35,364. (*See* D.I. 280.) Accordingly, pursuant to 28 U.S.C. § 1295(a)(1) and Rule 4(a)(4) of the Federal Rules of Appellate Procedure, notice is hereby given that, in the above-captioned case, uCloudlink additionally appeals to the United States Court of Appeals for the Federal Circuit from this Court's amended judgment (D.I. 280) as well as any and all orders underlying that judgment adverse to uCloudlink. This notice shall be in addition to the notice previously filed. In an abundance of caution, uCloudlink also incorporates all the adverse orders identified in its prior notice into this one.

uCloudlink notes that, over its objection, proceedings continue in the district court as to whether uCloudlink's products should remain enjoined. uCloudlink accordingly reserves the right to further modify or supplement its notice of appeal should further action by the Court so necessitate.

The Federal Circuit previously docketed uCloudlink's appeal at Case No. 19-2411.

Respectfully submitted

Date: October 18, 2019

FISH & RICHARDSON P.C.

By: /s/ Oliver J. Richards

Jonathan Lamberson (*pro hac vice*)
lamberson@fr.com
500 Arguello St., Suite 500
Redwood City, CA 94063
Tel: (650) 839-5070
Fax: (650) 839-5071

Michael Zoppo (#4292678)
zoppo@fr.com
Excylyn Hardin-Smith (#4499208)
hardin-smith@fr.com
601 Lexington Ave., 52nd Floor
New York, NY 10022
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

Phillip W. Goter (*pro hac vice*)
goter@fr.com
James Huguenin-Love (*pro hac vice*)
huguenin-love@fr.com
3200 RBC Plaza
60 South 6th Street
Minneapolis, MN 55402
Tel: (612) 335-5070
Fax: (612) 288-9696

Oliver Richards (*pro hac vice*)
orichards@fr.com
Cheryl Wang (*pro hac vice*)
cwang@fr.com
12390 El Camino Real
San Diego, CA 92130
Tel: (858) 678-5070
Fax: (858) 678-5099

***Attorneys for Defendants
uCloudlink Network Technology Limited and
uCloudlink (America), Ltd.***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 18, 2019, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Oliver J. Richards

Oliver J. Richards