

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**BALL METAL BEVERAGE CONTAINER
CORP.,**

Plaintiff and Counterclaim Defendant,

v.

**CROWN PACKAGING TECHNOLOGY,
INC., AND CROWN CORK & SEAL USA,
INC.,**

Defendants and Counterclaim Plaintiffs,

v.

REXAM BEVERAGE CAN COMPANY,

Counterclaim Defendant.

Civil Action No. 3:12-cv-0033 (WHR)

**CROWN PACKAGING TECHNOLOGY, INC. AND
CROWN CORK & SEAL USA, INC.'S NOTICE OF APPEAL**

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Inc., and Crown Cork & Seal USA, Inc.*

Pursuant to Rule 4 of the Federal Rules of Civil Procedure, Rule 3 of the Federal Rules of Appellate Procedure, Rule 3 of the United States Court of Appeals for the Federal Circuit, and 28 U.S.C. §§ 1291 & 1292(c)(2), notice is hereby given that Defendants Crown Packaging Technology, Inc. and Crown Cork & Seal USA, Inc. (collectively, “Crown”), appeal to the United States Court of Appeals for the Federal Circuit from, to the extent adverse to Crown, the final judgment entered by this Court on September 25, 2019 (Doc. Nos. 166-167); the Court’s Sealed Decision filed on July 22, 2019 (Doc. No. 162); and any and all other orders, rulings, findings, and/or conclusions adverse to Crown. The issues on appeal include, but may not be limited to, the Court’s decision sustaining Ball Metal Beverage Container Corp.’s and Rexam Beverage Can Company’s Motion for Summary Judgment on Indefiniteness.

The remedy sought on appeal is reversal of the issues decided adversely to Crown, including, but not limited to, the Court’s decision that the asserted claims are invalid for being indefinite. *Mentor Graphics Corp. v. EVE-USA, Inc.*, 851 F.3d 1275, 1294 (Fed. Cir. 2017) (“We reverse the grant of summary judgment of indefiniteness.”).

Provided with this Notice of Appeal is the \$505.00 fee required for docketing and filing the appeal.

Respectfully submitted,

Dated: October 22, 2019

/s/ James H. Greer

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CERTIFICATE OF SERVICE

I certify that on October 22, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the below-listed counsel.

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