

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SIONYX, LLC and PRESIDENT AND FELLOWS OF HARVARD COLLEGE)
)

Plaintiffs,)

Civil Action No. 15-cv-13488-FDS

v.)

HAMAMATSU PHOTONICS K.K.)
HAMAMATSU CORP.,)

Defendants.)
)
)
)
)

FILED
IN CLERKS OFFICE
2019 OCT 24 PM 3:20
U.S. DISTRICT COURT
DISTRICT OF MASS.

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs SiOnyx, LLC and President and Fellows of Harvard College appeal to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action in the United States District Court for the District of Massachusetts on July 26, 2019 (D. I. 804), the amended final judgment entered in this action on September 24, 2019 (D. I. 834), and from any and all judgments, orders, opinions, and findings (interlocutory or otherwise), pertinent or ancillary to the foregoing, including, but not limited to:

1. Orders on Plaintiffs' Motion for Injunctive Relief (D. I. 801), dated July 25, 2019, extending equitable relief only to United States Patents, and Motion to Amend the Judgment (D. I. 831), dated September 24, 2019, denying Plaintiffs' request to amend the judgment to modify Paragraphs 6 and 8 of the Court's Final Judgment to add references to "foreign counterpart" patents.

2. Order on Defendants' Motion to Exclude Expert Testimony (D. I. 720), dated April 18, 2019, excluding Plaintiffs' expert from testifying that SiOnyx suffered the loss of a \$3 million payment from a customer and \$992,080 in consequential damages arising out of lost engineering assets as a result of Hamamatsu Photonics, K.K.'s breach of contract.
3. Order on Plaintiffs' Motion for Enhanced Damages Pursuant to 35 U.S.C. § 284 (D. I. 802), dated July 25, 2019, declining to determine a damages amount and declining to award enhanced damages.
4. Order on Plaintiffs' Motion to Declare Case Exceptional under 35 U.S.C. § 285 (D. I. 798), dated July 25, 2019, denying Plaintiffs' request on the grounds that Plaintiffs provided no evidence that counsel deliberately attempted to increase the cost and complexity of this case for an improper purpose.

Concurrent with this notice, Plaintiffs have remitted payment of the filing fee (\$5.00) as required by 28 U.S.C. § 1917 and the docketing fee (\$500.00) as required by Federal Circuit Rule 52(a)(2).

Dated: 10/24/2019

Respectfully submitted,

/s/ William Belanger

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***Counsel for Plaintiffs SiOnyx, LLC and
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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2019, a true and correct copy of the foregoing document was served upon the following via electronic mail:

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