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28 Attorneys for Plaintiff
ARBMETRICS, LLC

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

3 ARBMETRICS, LLC, an Ohio
4 limited liability company,

5 Plaintiff,

6 v.

7 DEXCOM INC., a Delaware
8 corporation,

9 Defendant.

Case No. 3:18-cv-00134-JLS-KSC

PLAINTIFF'S NOTICE OF APPEAL

10 Notice is hereby given that Plaintiff, Arbmetrics, LLC ("Arbmetrics"), is
11 appealing to the United States Court of Appeals for the Federal Circuit from the Order
12 Entering Final Judgment of Non-Infringement (ECF No. 87) entered on January 28,
13 2020 (the "Final Judgment"), and all orders, findings, decisions, and conclusions that
14 are intertwined with, that are related to, or that resulted in such Final Judgment,
15 including the Order on Claim Construction (ECF No. 81) entered on December 30,
16 2019 (the "Claim Construction Order"). Indeed, Arbmetrics' appeal is taken pursuant
17 to the Stipulation Reserving Right to Appeal and for Entry of Final Judgment of Non-
18 Infringement Under the Court's Claim Construction (ECF No. 86) regarding
19 Arbmetrics' claims of infringement of U.S. Patent No. 6,343,225.

20 Included is payment of the \$5 filing fee required by 28 U.S.C. § 1917 and the
21 \$450 docketing fee required by Federal Circuit Rule 52(a)(3)(A), paid to this Court
22 pursuant to Federal Rule of Appellate Procedure 3(e) and Federal Circuit Rule
23 52(a)(2).

1 Dated: February 10, 2020

NELSON BUMGARDNER
ALBRITTON PC

2
3 By: /s/ Timothy E. Grochocinski

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25 *Attorneys for Plaintiff Arbmetrics, LLC*

26 **CERTIFICATE OF SERVICE**

27 I hereby certify that a true and correct copy of the foregoing was served on all
28 counsel of record via CM-ECF on February 10, 2020.

By: /s/ Timothy E. Grochocinski