

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ARROWS UP, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 4:17-cv-01945
	§	
US SILICA HOLDINGS, INC., and	§	
SANDBOX LOGISTICS, LLC,	§	
	§	
Defendants.	§	

SANDBOX LOGISTICS, LLC,	§	
SANDY CREEK CAPITAL, LLC, and	§	
U.S. SILICA HOLDINGS, INC.,	§	
	§	
Counter-Plaintiffs,	§	
	§	
v.	§	
	§	
ARROWS UP, LLC, ARROWS UP, INC.	§	
(n/k/a ARROWS UP HOLDINGS, INC.) and	§	
JOHN ALLEGRETTI,	§	
	§	
Counter-Defendants.	§	

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Arrows Up, LLC (“Plaintiff”) in the above-named case hereby appeals to the United States Court of Appeals for the Federal Circuit from: the Final Judgment entering final judgment in favor of Defendants on Counts 1-5 of Plaintiff’s Second Amended Complaint and Counterclaims 1-5 of Defendants’ Third Amended Answer, Defenses and Counterclaims declaring that Defendants did not infringe any claim of U.S. Patent Nos. 9,617,065; 9,758,993; 9,783,338; 9,796,504, or 9,828,135, entered in this action on January 14, 2020 (Dkt. No. 212); the Order on Arrows Up’s Partial Motion to Dismiss And/Or Strike

SandBox's Third Amended Answer, Defenses, and Counterclaims and Defendants' Motion for Partial Summary Judgment on Non-Infringement denying Plaintiff's Partial Motion to Dismiss and/or Strike (Dkt. No. 87), and granting in part Defendants' Motion for Partial Summary Judgment on Non-Infringement (Dkt. No. 108) as to Counts 1, 2, 4 and 5 of Plaintiff's Second Amended Complaint and the corresponding Counterclaims 1, 2, 4 and 5 of Defendants' Third Amended Answer, Defenses and Counterclaims, entered on August 15, 2019 (Dkt. No. 132); and the Memorandum and Order construing the claims of the patents-in-suit, entered on February 28, 2019 (Dkt. No. 106). Plaintiff also appeals from all subsidiary rulings, orders, decisions, findings, and conclusions of the Court adverse to Plaintiff leading up to the January 14, 2020 Final Judgment, including, but not limited to: the Minute Entry dated December 23, 2019 granting Defendants' second Motion for Summary Judgment of Non-Infringement (Dkt. No. 167) as to Count 3 of Plaintiff's Second Amended Complaint and the corresponding Counterclaim 3 of Defendants' Third Amended Answer, Defenses and Counterclaims.

Dated: February 12, 2020

Respectfully,

/s/ Robert S. Hill

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**ATTORNEYS FOR APPELLANT/
PLAINTIFF ARROWS UP, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2020, the foregoing document was electronically filed with the Clerk of the Court by using the CM/ECF system, which will send a notice of this electronic filing to all registered counsel of record.

/s/ Robert S. Hill
Robert S. Hill