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I Did It, Inc. and Marni Markell Hurwitz

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NITE GLOW INDUSTRIES, INC., I DID IT,
INC. and MARNI MARKELL HURWITZ,

Plaintiffs,

v.

CENTRAL GARDEN & PET COMPANY &
FOUR PAWS PET COMPANY, d/b/a FOUR
PAWS PRODUCTS, LTD,

Defendants.

Case No. 2:12-cv-04047 (KSH) (CLW)

Honorable Katharine S. Hayden, U.S.D.J.

**PLAINTIFFS' NOTICE OF CROSS-APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Plaintiffs Nite Glow Industries, Inc., I Did It, Inc. and Marni Markell Hurwitz (collectively "Plaintiffs") in the above named case hereby cross-appeal to the United States Court of Appeals for the Federal Circuit from the parts of the Order of Judgment entered in this action on July 16, 2018 (Docket No. 378), as amended on June 1, 2020 (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449), the Court's June 1, 2020 Opinion (Docket

No. 448), and from any and all other opinions, orders, rulings, findings, and/or conclusions of the Court, adverse to Plaintiffs, including but not limited to:

1. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449) and the Court's June 1, 2020 Opinion (Docket No. 448), granting-in-part Defendants' motion pursuant to Fed. R. Civ. P. Rules 50 and 59 (Docket No. 400);
2. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449) and the Court's June 1, 2020 Opinion (Docket No. 448), amending the constructions for any of the claim terms, including "rubber," in U.S. Patent No. 8,057,445;
3. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449) and the Court's June 1, 2020 Opinion (Docket No. 448), amending the jury's verdict of infringement of U.S. Patent No. 8,057,445 and the jury's damages awards for infringement and breach of contract;
4. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449) and the Court's June 1, 2020 Opinion (Docket No. 448), denying Plaintiffs' motion for enhanced damages for willful infringement (Docket No. 404);
5. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449) and the Court's June 1, 2020 Opinion (Docket No. 448), denying Plaintiffs' motion for attorneys' fees and expenses (Docket No. 405);

6. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449) and the Court's June 1, 2020 Opinion (Docket No. 448), denying Plaintiffs' motion to impose an ongoing royalty (Docket No. 401);
7. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449), the Court's June 1, 2020 Opinion (Docket No. 448) and the Court's January 17, 2020 Opinion and Order (Docket Nos. 446-447), denying Plaintiffs' motion for assignment and transfer of all title and interest in U.S. Patent Nos. D702,563, D725,485, D725,486, and U.S. Patent Application No. 14/821,554 (Docket No. 401) pursuant to the jury's breach of contract verdict;
8. That part of the Amended Judgment (Docket No. 450), the Court's June 1, 2020 Order (Docket No. 449) and the Court's June 1, 2020 Opinion (Docket No. 448), denying Plaintiffs' motion for an award of prejudgment and postjudgment interest for the breach of contract and patent infringement awards (Docket No. 401);
9. That part of the Amended Judgment (Docket No. 450) containing a typographical error as to the damages award amount.

The appeal is timely pursuant to Federal Rule of Appellate Procedure Rule 4(a)(3).

Payment of the filing fee (\$5.00) and docketing fee (\$500.00) as required by 28 U.S.C. § 1917, Federal Circuit Rule 52(a)(3)(A), and Federal Rule of Appellate Procedure 3(e) is made concurrent with this Notice.

Respectfully submitted,

/s/ James S. Coons

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Dated: June 30, 2020