

**IN THE UNITED STATES
DISTRICT COURT OF MINNESOTA**

Niazi Licensing Corporation

Plaintiff,

v.

Case No. 0:17-cv-05096-WMW-BRT

St. Jude Medical S.C., Inc.

Defendant.

**NIAZI LICENSING CORPORATION'S NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Plaintiff Niazi Licensing Corporation hereby appeals to the United States Court of Appeals for the Federal Circuit from: (i) the Court's Order on claim construction (Doc. 124); (ii) the Court's Order Granting Defendant's Motion for Summary Judgment and Denying Plaintiff's Motion for Summary Judgment (Doc. 305); (iii) the Court's Order regarding St. Jude's Daubert motion (Doc. 300); (iv) the Court's December 2, 2019 Order excluding certain testimony from Dr. Martin Burke; and (v) the Court's April 30, 2020 Order entering sanctions against Plaintiff (entered by the magistrate judge) and the Court's Order affirming the April 30, 2020 Order (Doc. 286) (entered by the district judge). Niazi Licensing Corporation identifies the following issues for appeal:

- The Court’s ruling that the term “resilient” is indefinite, rendering independent claims 1, 13, 18, and 24 of the ‘268 patent invalid (as well as claims depending therefrom), as set forth in the Court’s Order on claim construction (Doc. 124).
- The Court’s ruling that the term “pliable” is indefinite, rendering independent claims 1, 13, 18, and 24 of the ‘268 patent invalid (as well as claims depending therefrom), as set forth in the Court’s Order on claim construction (Doc. 124).
- The Court’s claim construction of the Claim 11 phrase “inserting the catheter into the coronary sinus,” as set forth in the Order Granting Defendant’s Motion for Summary Judgment and Denying Plaintiff’s Motion for Summary Judgment (Doc. 305).
- The Court’s claim construction of the Claim 11 phrase “withdrawing the catheter leaving the lead in the branch vein,” as set forth in the Order Granting Defendant’s Motion for Summary Judgment and Denying Plaintiff’s Motion for Summary Judgment (Doc. 305).
- The Court’s ruling that claim 11 is not infringed, as set forth in the Order Granting Defendant’s Motion for Summary Judgment and Denying Plaintiff’s Motion for Summary Judgment (Doc. 305).

- The Court's ruling excluding Plaintiff's damages expert, Brad Carlson, from opining as to the royalty base, as set forth in Court's Order regarding St. Jude's Daubert motion (Doc. 300).
- The Court's ruling precluding Plaintiff's technical expert, Dr. Martin Burke, from offering factual and other testimony, as set forth in the Court's December 2, 2019 Order.
- The Court's ruling precluding Plaintiff's damages expert, Brad Carlson, from relying upon certain documents and information (e.g., various license agreements), as set forth in the Court's December 2, 2019 Order.
- The Court's ruling sanctioning Plaintiff for an alleged violation of the Court's December 2, 2019 Order and the Court's resultant award of attorneys fees, as set forth in the Court's April 30, 2020 Order entering sanctions against Plaintiff (entered by the magistrate judge) and the Court's Order affirming the April 30, 2020 Order (Doc. 286) (entered by the district judge).
- Any factual findings made, legal conclusions reached, or procedural rulings made by the Court in support of the above rulings and claim constructions that were decided adversely to Plaintiff.

Dated: April 15, 2021

s/Michael T. Griggs
Michael T. Griggs (admitted pro hac vice)
BOYLE FREDRICKSON, S.C.
840 N. Plankinton Ave.
Milwaukee, WI 53203
Telephone: 414-225-9755
Facsimile: 414-225-9753

J. Ashwin Madia, MN #321187
MADIA LAW LLC
333 Washington Ave N.
Minneapolis, Minnesota 55401
Tel: 612.349.2723
Fax: 612.235.3357
jamadia@madialaw.com

***Attorneys for Plaintiff Niazi Licensing
Corporation***