

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VR OPTICS, LLC,

Plaintiff,

v.

PELTON INTERACTIVE, INC., a Delaware
Corporation,

Defendant.

PELTON INTERACTIVE, INC.,

Third-Party Plaintiff,

v.

VILLENY DESIGN GROUP, LLC, ERIC
VILLENY and JOSEPH COFFEY,

Third-Party Defendants.

Civil No. 16-6392 (JPO)

**PLAINTIFF VR OPTICS, LLC'S
NOTICE OF APPEAL**

Notice is hereby given that Plaintiff, VR Optics, LLC (“VRO”), in the above-named case hereby appeals to the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) from each of the following:

1. The Court’s final Judgment entered March 30, 2021 (Dkt. No. 333);
2. The Court’s Opinion and Order entered April 2, 2020 (Dkt. No. 308) regarding the issues of validity addressed and decided therein in granting Defendant’s motion for summary judgment of invalidity;
3. The Court’s Opinion and Order entered April 2, 2020 (Dkt. No. 308) regarding the issues addressed and decided therein in partially granting Defendant’s motion

to exclude the expert testimony and report of Steven Lenz; and

4. Any and all adverse orders and rulings underlying, subsidiary to, and/or related to the Opinion and Order entered April 2, 2020 (Dkt. No. 308), including (but not limited to) the Court's Opinion and Order on claim construction entered November 5, 2018 (Dkt. No. 112).

All applicable fees associated with this Notice of Appeal are submitted herewith.

Plaintiff VRO understands that by filing electronically it is in compliance with the language of Rule 3(a) of the Federal Rules of Appellate Procedure requiring "enough copies of the notice to enable the clerk to comply with Rule 3(d)," because the information on appeal will be submitted to the Federal Circuit via electronic submission.

Dated: April 23, 2021

Respectfully submitted,

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