

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

VR OPTICS, LLC,

Plaintiff,

v.

PELOTON INTERACTIVE, INC., a Delaware  
Corporation,

Defendant.

PELOTON INTERACTIVE, INC.,

Third-Party Plaintiff,

v.

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

Third-Party Defendants.

Civil No. 16-6392 (JPO)

**THIRD-PARTY DEFENDANT  
VILLENCY DESIGN GROUP'S  
NOTICE OF APPEAL**

Notice is hereby given that Third-Party Defendant Villency Design Group, LLC (“VDG”), appeals to the United States Court of Appeals for the Federal Circuit (the “Federal Circuit”) from each of the following:

1. The Court’s Opinion and Order of April 2, 2020, entered in this case as Dkt. No. 308, to the extent that it granted partial summary judgment in favor of Third-Party Plaintiff Peloton Interactive, Inc. (“Peloton”) and against VDG;
2. The Court’s Opinion and Order of March 30, 2021, entered in this case as Dkt. No. 332, granting Peloton’s motion for attorney’s fees;

3. The Judgment for Attorney's Fees and Costs dated March 30, 2021, entered in this case as Dkt. No. 333, entering judgment in favor of Peloton and against VDG, and awarding to Peloton \$4,299,163.56 in attorney's fees plus \$1,177,735.24 in interest; and
4. Any and all of the adverse orders, findings, and rulings which are underlying, related to, or merged within the Opinions, Orders and Judgment set forth above, or on which they are based and/or rely.

The Opinions, Orders and Judgment listed above were entered in a case in which the District Court's jurisdiction is based on 28 U.S.C. § 1338. Further, VDG's appeal is related to the Notice of Appeal to the Federal Circuit filed by Plaintiff VR Optics, LLC ("VRO") on April 23, 2021, insofar as the Opinions, Orders and Judgment above address the underlying patent claims asserted by VRO. VDG therefore respectfully submits that the Federal Circuit has jurisdiction over this appeal pursuant to 28 U.S.C. § 1295(a)(1).

Dated: April 28, 2021

Respectfully submitted,

By: s/ Paul S. Doherty, III  
Paul S. Doherty III, Esq.  
pdoherty@hdrbb.com  
Mark A. Berman, Esq.  
mberman@hdrbb.com  
**HARTMANN DOHERTY ROSA**  
**BERMAN & BULBULIA LLC**  
800 Third Avenue, 28th Floor  
New York, NY 10022  
212-344-4619  
Fax: 201-441-9435

*Attorneys for Third-Party Defendant  
Villency Design Group, LLC*