

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PERKINELMER, INC. and
NTD LABORATORIES, INC.,

Plaintiffs,

v.

INTEMA LIMITED,

Defendant.

Civil Action No. 1:09-cv-10176-FDS

NOTICE OF APPEAL

Defendant Intema Limited (“Intema”) hereby appeals to the United States Court of Appeals for the Federal Circuit, under 35 U.S.C. § 1295, only from so much of the Court’s Memorandum and Order on Motions for Summary Judgment and Defendant’s Motion to Strike (D.I. 277) entered August 12, 2011:

(1) granting Plaintiffs PerkinElmer, Inc. and NTD Laboratories, Inc. Motion for Summary Judgment that the U.S. Patent No. 6,573,103 (the “’103 Patent”) is Invalid as Anticipated and Obvious (D.I. 126, 155, 156, 135, 136, 152, 163, 231, 239, 240, 245, 246, 249, 261-263), finding that the ‘103 Patent is anticipated by an article by R.A. Kadir and D.L. Economides (“Kadir”) and rendered obvious by Kadir in view of the knowledge of a person of ordinary skill in the art in March, 1998;

(2) denying Intema’s Motion for Summary Judgment that the Claims of the ‘103 Patent are Neither Anticipated Nor Obvious (D.I. 151, 185-188, 221, 222, 231);

(3) denying Intema's Motion for Summary Judgment of Direct Infringement of Claims 1-4, 6-8 and 11 of the '103 Patent by Plaintiff NTD Laboratories, Inc. and the State of California (D.I. 139, 178-181) as moot;

(4) denying Intema's Motion to Strike Plaintiffs' Late-Filed Expert Reports and Exclude Testimony Concerning Subject Matter Contained Therein (D.I. 137, 142, 143) as moot;

(5) denying Intema's Motion for Summary Judgment that the Claims of the '103 Patent Are Adequately Described and Not Invalid under 35 U.S.C. § 112, First Paragraph (D.I. 129, 168-171) as moot; and

(6) denying Intema's Motion for Summary Judgment of Willful Infringement (D.I. 140, 182-184) as moot.

Dated: August 31, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 31st day of August, 2011.

/s/ Jeffrey S. Strom