

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ACCELERON, LLC,
Plaintiff,
v.

DELL INC.,
Defendant.

Civil Action File No.
1:12-CV-04123-TCB

PLAINTIFF ACCELERON, LLC'S NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff Acceleron, LLC ("Acceleron") hereby appeals to the United States Court of Appeals for the Federal Circuit from the Second Amended Judgment (Doc. 786) entered on March 21, 2022 and from any and all other orders, decisions, rulings, findings, and conclusions underlying and related to that judgment that are adverse to Acceleron, including, but not limited to, the following:

(1) the March 31, 2020 Order (Doc. 481) construing the term "poll(s)" and granting Defendant Dell Inc.'s ("Dell") motion for partial summary judgment of no infringement of claim 20 as to the 1855, 1955, M1000e, VRTX, and FX2 products and denying Acceleron's motion for partial summary judgment of infringement of claim 20 as to the M1000e, VRTX, and FX2 products;

(2) the September 14, 2021 ruling (*see* Doc. 761-1 at 52:6-9) granting Dell's motion for judgment as a matter of law of no willful infringement;

(3) the March 7, 2022 Order (Doc. 783) denying Acceleron's motion for a new trial based on the Court's ruling granting judgment as a matter of law of no willful infringement;

(4) the March 30, 2020 Order (Doc. 478) denying Acceleron's motion to strike portions of Dell's invalidity contentions raised or that reasonably could have been raised during the *inter partes* review of U.S. Patent No. 6,948,021;

(5) the September 14, 2021 ruling (*see* Doc. 761-3 at 28:9-29:11) overruling Acceleron's objection at trial based on 35 U.S.C. § 315;

(6) the March 31, 2020 Order (Doc. 480) denying Acceleron's motion for partial summary judgment of no invalidity;

(7) the August 27, 2020 Order (Doc. 639) denying Acceleron's motions in limine to exclude evidence of non-comparable settlement agreements; testimony and opinions of Jeff Andrien concerning a discount factor for invalidity/non-infringement and non-asserted claims; and the physical Ketris 9000 unit purchased on eBay in 2004;

(8) the August 12, 2020 Order (Doc. 627) denying Acceleron's motion to exclude the opinions of Jeff Andrien;

(9) the March 31 Order (Doc. 481) granting-in-part Dell's motion for partial summary judgment that Acceleron is barred from recovering pre-suit damages under 35 U.S.C. § 287(a); and

(10) the March 7, 2022 Order (Doc. 783) limiting the period of prejudgment

interest.

Included herewith is payment of the filing and docketing fees as required by 28 U.S.C. § 1913, 28 U.S.C. § 1917, Federal Circuit Rule 52(a)(2), Federal Rule of Appellate Procedure 3(e), and the United States District Court for the Northern District of Georgia fee schedule.

Respectfully submitted this 6th day of April, 2022.

/s/ N. Andrew Crain

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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2022, the foregoing was filed using the Court's ECF system, which will automatically send electronic notice of such filing to all attorneys of record.

/s/ N. Andrew Crain

N. Andrew Crain

Attorney for Plaintiff Acceleron, LLC