

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: METHOD FOR )  
PROCESSING ETHANOL )  
BYPRODUCTS AND RELATED ) 1:10-ml-02181 LJM-DML  
SUBSYSTEMS ('858) PATENT )  
LITIGATION, )

THIS DOCUMENT RELATES TO: )

- 1:10-cv-0180-LJM-DML )
- 1:10-cv-8000-LJM-DML )
- 1:10-cv-8001-LJM-DML )
- 1:10-cv-8002-LJM-DML )
- 1:10-cv-8003-LJM-DML )
- 1:10-cv-8004-LJM-DML )
- 1:10-cv-8005-LJM-DML )
- 1:10-cv-8006-LJM-DML )
- 1:10-cv-8007-LJM-DML )
- 1:10-cv-8008-LJM-DML )
- 1:10-cv-8009-LJM-DML )
- 1:10-cv-8010-LJM-DML )
- 1:10-cv-8011-LJM-DML )
- 1:10-cv-8012-LJM-DML )
- 1:13-cv-8013-LJM-DML )
- 1:13-cv-8014-LJM-DML )
- 1:13-cv-8015-LJM-DML )
- 1:13-cv-8016-LJM-DML )
- 1:13-cv-8017-LJM-DML )
- 1:14-cv-8018-LJM-DML )
- 1:14-cv-8019-LJM-DML )
- 1:14-cv-8020-LJM-DML )

**PLAINTIFF GS CLEANTECH CORP. AND GREENSHIFT CORP.'S AND  
CANTOR COLBURN LLP'S NOTICE OF APPEAL (SECOND CORRECTED)**

Notice is hereby given that Plaintiffs GS CleanTech Corporation and Greenshift Corp. (collectively "Plaintiffs") in the above named case hereby appeals to the United States Court of Appeals for the Federal Circuit from (1) this Court's September 15, 2016 final Entry of Judgment Pursuant to Federal Rule of Civil Procedure 58, as amended on September 20, 2016

and on September 27, 2016, in favor of Defendants/Counterclaim Plaintiffs ACE Ethanol, LLC; GEA Mechanical Equipment US, Inc.; Al-Corn Clean Fuel; Blue Flint Ethanol, LLC; Big River Resources – Galva LLC; Big River Resources – West Burlington, LLC; Cardinal Ethanol LLC; Flottweg Separation Technology, Inc.; Guardian Energy, LLC; ICM, Inc.; Lincolnway Energy, LLC; LincolnLand Agri-Energy, LLC; Little Sioux Corn Processors, LLLP; Homeland Energy Solutions, LLC; Pacific Ethanol Magic Valley, LLC; Southwest Iowa Renewable Energy, LLC; David Vander Griend; Western New York Energy, LLC; Bushmills Ethanol, Inc.; Chippewa Valley Ethanol Company, LLC; Heartland Corn Products; United Wisconsin Grain Producers; Aemetis, Inc.; Aemetis Advanced Fuels Keyes, Inc.; Pacific Ethanol Stockton; and Iroquois Bio-Energy, Co. (collectively, “Defendants”), relating to their affirmative defenses of patent invalidity and inequitable conduct (Dkts. 1654, 1656, 1660); (2) this Court’s October 23, 2014 Order (“the SJ Order”) as clarified by its October 28, 2014 Order granting summary judgment in favor of Defendants on their affirmative defenses and counterclaims of non-infringement and patent invalidity based on anticipation, obviousness, and on-sale bar (Dkts. 1351, 1359); (3) the Court’s September 15, 2016 Corrected Memorandum and Opinion After Bench Trial finding in favor of Defendants and against CleanTech on Defendants’ affirmative defenses and/or counterclaims that the patents-in-suit are unenforceable (Dkt. 1653); (4) this Court’s January 19, 2017 Order denying Plaintiff’s Motion to Alter or Amend Judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure (Dkt. 1677); and (5) and from any and all other orders, rulings, findings and/or conclusions decided adversely to Plaintiffs, in whole or in part.

Notice is further given that Cantor Colburn LLP (“Cantor Colburn”) in the above named case hereby appeals to the United States Court of Appeals for the Federal Circuit from (1) this Court’s September 15, 2016 final Entry of Judgment Pursuant to Federal Rule of Civil Procedure 58, as amended on September 27, 2016, in favor of Defendants, relating to their affirmative

defenses of patent invalidity and inequitable conduct (Dkts. 1654, 1660); (2) the Court's September 15, 2016 Corrected Memorandum and Opinion After Bench Trial finding in favor of Defendants and against CleanTech on Defendants' affirmative defenses and/or counterclaims that the patents-in-suit are unenforceable (Dkt. 1653); (3) this Court's January 19, 2017 Order denying Plaintiff's Motion to Alter or Amend Judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure (Dkt. 1677); and (4) and from any and all other orders, rulings, findings and/or conclusions decided adversely to Cantor Colburn, in whole or in part.

Dated March 23, 2017

Respectfully submitted,

/s/Steven B. Pokotilow

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*Counsel for Cantor Colburn LLP*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 23, 2017, a copy of the foregoing Notice of Appeal (Second Corrected) was filed electronically. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven B. Pokotilow