

United States District Court for the Northern
District of Illinois, Eastern Division

Peerless Industries, Inc.,

Plaintiff,

v.

Crimson AV, LLC,

Defendant.

File Number
1:11-cv-1768

NOTICE OF APPEAL

Notice is hereby given that Defendant Crimson, AV, LLC, in the above-identified action, hereby appeals to the United States Court of Appeals for the Federal Circuit, from the Stipulation of Final Judgment and the Final Agreed Judgment of Patent Infringement in a Civil Case, dated April 25, 2018 (“Final Judgments”) entering judgment in favor of the Plaintiff, Peerless Industries, Inc. (Dkt. #749; Dkt. #750). Defendant also appeals from any and all other judgments, orders, opinions, rulings, and findings pertinent, supporting, or ancillary to the Final Judgments, including, but not limited to, the following:

1. The Court’s denial of Defendant’s motion for an *in-camera* inspection, abrogation of privilege, and sanctions on the basis of the crime-fraud exception (Dkt. #237);
2. The Court’s grant of Plaintiff’s motion for summary judgment on the issue of infringement, and denial of Defendant’s motion for summary judgment as to non-infringement (Dkt. #329; Dkt. #330);
3. The Court’s ruling limiting Defendant’s affirmative defenses to failure to disclose best mode, anticipation, and obviousness, and barring Defendants from asserting certain pieces of prior art (Dkt. #331);
4. The Court’s denial of Defendant’s objections to the magistrate judge’s denial of Defendant’s motion for an *in-camera* inspection, abrogation of privilege, and sanctions on the basis of the crime-fraud exception (Dkt. #364);
5. The Court’s denial of Defendant’s motion to reconsider the Court’s ruling limiting Defendant to certain invalidity defenses (Dkt. #376);

6. The Court's denial in part of Defendant's objections to the magistrate judge's order that Defendant pay Plaintiff sanctions (Dkt. #457);
7. The Court's denial of Defendant's motion for summary judgment of invalidity and unenforceability of Plaintiff's patent, and denial in part of Defendant's motion for summary judgment on Count III (Dkt. #483);
8. The Court's partial grant of Plaintiff's motions in limine (Dkt. #548);
9. The Court's partial denial of Defendant's motions in limine (Dkt. #548);
10. The Court's denial of Defendant's motion to reconsider the Court's partial grant of Plaintiff's motions in limine (Dkt. #572);
11. The Court's denial of Defendant's motion to reconsider the Court's grant of Plaintiff's motions in limine (Dkt. #572);
12. The Court's grant in part of Plaintiff's renewed motion for judgment as a matter of law as to Defendant's affirmative defense of best mode (Dkt. #672);
13. The Court's grant in part of Plaintiff's renewed motion for judgment as a matter of law as to Defendant's affirmative defense of obviousness (Dkt. #672);
14. The Court's partial grant of Plaintiff's motions in limine (Dkt. #741);
15. The Court's partial denial of Defendant's motions in limine (Dkt. #741);
16. All evidentiary rulings excluding the ECN 6102 Bracket from evidence and as being considered prior art; and
17. Certain orders and rulings at jury trial.

Dated: May 24, 2018

/s/ M. Miles Sukovic

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2018, I have electronically filed the foregoing with the Clerk of the U. S. District Court, Northern District of Illinois, Eastern Division, using the CM/ECF system which sent notification of such filing to all parties of record.

/s/ Peter R. Ryndak

Peter R. Ryndak, Esq.
Attorney for Defendant, Crimson AV, LLC