

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BAXTER INTERNATIONAL, INC.,)	
)	
Plaintiff,)	Case No.: 1:17-cv-07576
)	
v.)	Judge Joan H. Lefkow
)	
BECTON, DICKINSON AND COMPANY,)	Magistrate Judge Heather K. McShain
)	
Defendant.)	
)	
)	
)	

PLAINTIFF’S AMENDED NOTICE OF APPEAL

BAXTER INTERNATIONAL, INC.,
By Its Attorneys,

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NOTICE IS HEREBY GIVEN that Plaintiff Baxter International, Inc. (“Baxter”) appeals to the United States Court of Appeals for the Federal Circuit from the Judgments in the above-captioned case dated (i) August 22, 2022 (Dkt. 484), (ii) amended September 27, 2022 (Dkt. 495). **Baxter notes that the amended Judgment (Dkt. 495) was entered out of an abundance of caution to ensure the finality of the judgment for appeal by adding the dismissals without prejudice of Defendant’s invalidity counterclaims. The amended Judgment was entered after Baxter filed its original Notice of Appeal (Dkt. 485) and received its Notice of Docketing (Dkt. 1-1) from the United States Court of Appeals for the Federal Circuit in new Case No. 22-2197. Accordingly, Baxter requests that, if possible, the Clerk of the Court for the Federal Circuit enter this Amended Notice of Appeal and amended Judgment (Dkt. 495) in the existing appeal (Case No. 22-2197) rather than create a new case number.**

Baxter also appeals all prior opinions, findings, orders, rulings, and judgments in this action adverse to Baxter, whether leading to, underlying, or subsumed within the Judgments (Dkts. 484 & 495) or not, including without limitation the following:

- Order for Amended Entry of Judgment (Dkt. 494)¹
- Opinion and Order (Summary Judgment on U.S. Patent Nos. 5,989,237 and 6,159,192) (Dkt. 483)
- Order (Baxter’s Motion to Strike) (Dkt. 350)
- Order (Baxter’s Second Motion for Reconsideration on Summary Judgment on U.S. Patent No. 6,852,103) (Dkt. 310)
- Claim Construction Order (Dkt. 308)
- Order (Baxter’s First Motion for Reconsideration on Summary Judgment on U.S. Patent No. 6,852,103) (Dkt. 302)

¹ This is the only additional Order that was not previously identified in the original Notice of Appeal (Dkt. 485).

- Memorandum Opinion and Order (Discovery) (Dkt. 292)
- Order (Discovery) (Dkt. 288)
- Order (Summary Judgment on U.S. Patent No. 6,852,103) (Dkt. 275)
- Memorandum Opinion and Order (Discovery) (Dkt. 227)
- Memorandum Opinion and Order (Discovery) (Dkt. 152)

Baxter provides payment in the amount of \$505 for docketing this Amended Notice of Appeal.

Dated: September 27, 2022

Respectfully submitted,

BARCLAY DAMON LLP

By: /s/ Denis J. Sullivan

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CERTIFICATE OF SERVICE

I, John E. Bucheit, certify, as counsel for plaintiff Baxter International, Inc., that on this 27th day of September, 2022, I caused a true and correct copy of Plaintiff's Amended Notice of Appeal to be filed with the Clerk of the Court via the CM/ECF system, which gave notice to the following counsel who have made an appearance in this action:

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/s/ John E. Bucheit