

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUNOCO PARTNERS MARKETING &
TERMINALS L.P.

Plaintiff,

v.

POWDER SPRINGS LOGISTICS, LLC and
MAGELLAN MIDSTREAM PARTNERS,
L.P.

Defendants.

C.A. No. 17-1390 (RGA)

DEFENDANTS' NOTICE OF CROSS-APPEAL

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Appellate Procedure 4(a), Defendants Powder Springs Logistics, LLC and Magellan Midstream Partners, L.P. (collectively “Defendants”) cross-appeal to the United States Court of Appeals for the Federal Circuit from all aspects of the Court’s Final Judgment (D.I. 863) resolved adversely to Defendants, including all prior interlocutory orders, rulings, decisions, and subsidiary findings resolved adversely to Defendants. Without limitation, Defendants appeal from the Court’s denial of judgment as a matter of law that Defendants do not infringe claim 3 of U.S. Pat. No. 9,207,686, (D.I. 853), the Court’s denial of judgment as a matter of law that Defendants do not willfully infringe the asserted patents, (*id.*), the Court’s denial of Defendants’ motion of invalidity of the asserted claims under 35 U.S.C. § 101, (D.I. 851), and the Court’s award of supplemental damages, (D.I. 855).

Included herewith is payment of the filing fees.

MORRIS, NICHOLS, ARSHT &
TUNNELL LLP

By: /s/ Rodger D. Smith II

Rodger D. Smith II (#3778)
1201 North Market Street
Wilmington, DE 19801
(302) 658-351-9205
rsmith@mnat.com

OF COUNSEL:

David S. Moreland
John W. Harbin
MEUNIER CARLIN & CURFMAN LLC
999 Peachtree St., N.E., Suite 1300
Atlanta, GA 30309
(404) 645-7700
dmoreland@mcciplaw.com;
jharbin@mcciplaw.com

*Attorneys for Defendant
Powder Springs Logistics, LLC*

FISH & RICHARDSON P.C.

By: /s/ Nitika Gupta Fiorella

Douglas E. McCann (#3852)
Martina Tyreus Hufnal (#4771)
Nitika Gupta Fiorella (#5898)
222 Delaware Ave., 17th Floor
Wilmington, DE 19899
Telephone: (302) 652-5070
dmccann@fr.com; hufnal@fr.com;
fiorella@fr.com

Joseph A. Herriges
FISH & RICHARDSON P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
Telephone: (612) 337-2579
herriges@fr.com

*Attorneys for Defendant
Magellan Midstream Partners, L.P.*

Dated: December 6, 2022