

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

RASMUSSEN INSTRUMENTS, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	
DEPUY SYNTHES PRODUCTS, INC.,)	
AND DEPUY SYNTHES SALES, INC.)	
)	
Defendants.)	
)	
)	
)	

C.A. No. 1:20-cv-11807-TSH

DEFENDANTS’ PROTECTIVE NOTICE OF APPEAL

Notice is hereby given that Defendants DePuy Synthes Products, Inc. and DePuy Synthes Sales, Inc. (“DePuy”) in the above-captioned matter hereby appeal to the United States Court of Appeals for the Federal Circuit from the Court’s March 30, 2023 Order on Post-Trial Motions (D.I. 331), which concludes that Plaintiff “has satisfied the *eBay* factors required to obtain a permanent injunction as to infringement of the ’180 patent” (*id.* at 7), and grants Plaintiff’s motion for a permanent injunction (*id.* at 8). Although DePuy does not believe that the March 30, 2023 Order constitutes an injunction, and the parties are in the midst of exchanging draft forms of an injunction, DePuy notices this appeal from that Order out of an abundance of caution.

Dated: April 28, 2023

DEPUY SYNTHES PRODUCTS, INC., AND
DEPUY SYNTHES SALES, INC.

By their counsel,

/s/ Christopher M. Morrison

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CERTIFICATE OF SERVICE

The undersigned certifies that, on April 28, 2023, the foregoing was filed through the Court's ECF system and will be sent electronically to the registered participants.

/s/ Christopher M. Morrison
Attorney for Defendants