

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Civil Action No. 1:20-cv-00200-JSR

**FENIX DIAMONDS LLC'S NOTICE OF CROSS-APPEAL
TO THE U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Pursuant to Fed. R. App. P. 4(a)(3), Defendant Fenix Diamonds LLC ("Fenix") gives notice that it cross-appeals to the U.S. Court of Appeals for the Federal Circuit from all aspects of the Court's Amended Final Judgment dated April 19, 2024 (ECF No. 205) and all underlying orders, decisions, rulings, findings, opinions, or conclusions that were resolved adversely to Fenix, including, but not limited to, the Court's Order denying Fenix's request for prejudgment interest (ECF No. 202). Fenix agrees with the Court's well-reasoned decision holding this case exceptional under 35 U.S.C. § 285 (ECF No. 192) and files this cross-appeal in response to the Notice of Appeal filed by Plaintiff Carnegie Institution of Washington ("Carnegie").

Carnegie previously filed a notice of appeal in the above-captioned matter dated May 7, 2024 (ECF No. 206), which has been docketed by the U.S. Court of Appeals for the Federal Circuit as Appeal No. 2024-1804.

Pursuant to Fed. R. App. P. 3(e) and 28 U.S.C. § 1913, this notice of appeal is accompanied by the payment of the \$5 fee required by 28 U.S.C. § 1917 and the \$600 docketing fee required by Fed. Cir. R. 52(a).

Dated: May 14, 2024

/s/Laura A. Lydigsen

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