

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FMC CORPORATION,

Plaintiff,

v.

SHARDA USA LLC,

Defendant.

Case No. 24-cv-2419-MRP

DEFENDANT’S NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant Sharda USA LLC (“Sharda”) appeals to the United States Court of Appeals for the Federal Circuit from the Order entered by the District Court in the above-captioned case on August 16, 2024 (ECF No. 41) granting Plaintiff FMC Corporation’s Renewed Motion for a Temporary Restraining Order, and each and every part thereof, including but not limited to any and all judgments, sanctions, orders, opinions, rulings, decisions, conclusions, verdicts, and/or findings relating to, pertinent to, ancillary to, or merged into the above-referenced order, including but not limited to the accompanying Memorandum Opinion (ECF No. 40) and the claim construction rulings in the Court’s Order Denying Plaintiff FMC Corporation’s Motion for a Temporary Restraining Order and Preliminary Injunction (ECF No. 26), and its accompanying Memorandum Opinion (ECF No. 25).

The Federal Circuit has jurisdiction over this appeal pursuant to 28 U.S.C. §§ 1292(a)(1) and 1292(c)(1) because the August 16, 2024 Order (ECF No. 41) is deemed a preliminary injunction and so is immediately appealable now that the order, which imposed restrictions “until further order of this Court,” has extended beyond the 14-day limit prescribed by Fed. R. Civ. P. 65(b)(2) without an extension by the Court or consent of the enjoined party.

Dated: September 13, 2024

Respectfully Submitted,

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/s/ Noelle B. Torrice

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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who have consented to electronic service are being served on September 13, 2024 with copies of the attached document(s) via the Court's CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Noelle B. Torrice
Noelle B. Torrice