

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROCHE DIAGNOSTICS OPERATIONS,)	
INC., and CORANGE INTERNATIONAL)	
LIMITED,)	
)	
Plaintiffs,)	C.A. No. 07-753-LPS
)	
v.)	
)	
ABBOTT DIABETES CARE,)	
INCORPORATED, and ABBOTT DIABETES)	
CARE SALES CORPORATION, et al.,)	
)	
Defendants.)	

**NOVA BIOMEDICAL'S NOTICE OF CROSS APPEAL TO THE
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Defendant Nova Biomedical Corporation hereby cross appeals to the United States Court of Appeals for the Federal Circuit from the Judgment (D.I. 851) in this action entered on July 27, 2010, and all orders, opinions, rulings, and judgments underlying the July 27, 2010 Judgment including, but not limited to:

1. the July 27, 2010 MEMORANDUM OPINION regarding Defendant Nova Biomedical Corporation's MOTION for Judgment as a Matter of Law on Nova's Breach of Contract and Unfair Competition Counterclaims (D.I. 847);
2. the July 27, 2010 ORDER DENYING Defendant Nova Biomedical Corporation's MOTION for Judgment as a Matter of Law on Nova's Breach of Contract and Unfair Competition Counterclaims (D.I. 848);
3. the July 27, 2010 MEMORANDUM OPINION regarding Defendant Nova Biomedical Corporation's MOTION for New Trial (D.I. 847);
4. the July 27, 2010 ORDER DENYING Defendant Nova Biomedical Corporation's MOTION for New Trial (D.I. 848);
5. the July 20, 2010 ORDER DENYING Defendant Nova Biomedical Corporation's MOTION for Reconsideration of the Court's Order that the Laws of Switzerland Apply to Nova's Fifth, Sixth and Seventh Counterclaims (D.I. 846);

6. the January 29, 2010 MEMORANDUM ORDER DENYING Defendant Nova Biomedical Corporation's MOTION to Preclude The Testimony Of Roche's Trade Secret Expert, Dr. Andrew Bocarsly (D.I. 802);
7. the ORAL ORDER issued at Trial on January 29, 2010, concluding that under Swiss law, Nova Biomedical Corporation was limited to two causes of action, Breach of Contract and Unfair Competition (D.I. 816 at 997:18-998:13);
8. the ORAL ORDER issued on January 25, 2010, concluding that the laws of Switzerland apply to all the counterclaims asserted by Nova;
9. the February 2, 2010 JURY VERDICT (D.I. 805);
10. the Court's February 1, 2010 Jury Instructions (D.I. 803);
11. the September 15, 2009 MEMORANDUM OPINION providing constructions for the disputed claim terms (D.I. 563);
12. the September 15, 2009 ORDER assigning meaning to terms and/or phrases for United States Patent Nos. 7,276,146 and 7,276,147. (D.I. 564).

This cross appeal is made pursuant to 28 U.S.C. § 1295(a)(1).

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August 26, 2010

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CERTIFICATE OF SERVICE

I, Rodger D. Smith II, hereby certify that on August 26, 2010, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

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I also certify that copies were caused to be served on August 26, 2010, upon the following in the manner indicated:

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