

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BIOPOLYMER ENGINEERING, INC.,
d/b/a BIOTHERA, a Minnesota
corporation, and MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,

Case No.: 05-536 (JNE/SRN)

Plaintiffs,

v.

IMMUNOCORP, a California corporation,
and BIOTEC PHARMACON ASA.,
a Norwegian corporation,

Defendants.

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Biopolymer Engineering, Inc., d/b/a Biothera ("Biothera") in the above named case hereby appeals to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action on September 2, 2009 of non-infringement of U.S. Patent No. 5,702,719 (*See also* Docket Nos., 359, 361 & 365, Orders dated January 28, 2009 and February 10, 2009).

Date: October 2, 2009

s/Darren B. Schwiebert
Darren B. Schwiebert (MN #260642)
Lora Mitchell Friedemann (#259615)
Grant D. Fairbairn (#327785)
FREDRIKSON & BYRON, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
Telephone: (612) 492-7000
Facsimile: (612) 492-7077

ATTORNEYS FOR PLAINTIFF/APPELLANT
BIOPOLYMER ENGINEERING, INC. d/b/a
BIOTHERA

4628441_1.DOC