

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

Civil Action No. 1:06-cv-00619-LTB-MJW

PHILIP W. WYERS, a Colorado resident, and  
WYERS PRODUCTS GROUP, INC., a Colorado corporation,

Plaintiffs,

v.

MASTER LOCK COMPANY, a Delaware corporation,

Defendant.

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**NOTICE OF APPEAL  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

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Notice is given that Defendant and Counterclaimant Master Lock Company (a Delaware Corporation) hereby appeals against Plaintiffs Phillip W. Wyers (a Colorado resident) and Wyers Products Group, Inc. (a Colorado Corporation) to the United States Court of Appeals for the Federal Circuit. Master Lock appeals from the Court's Order Regarding Entry of Judgment, docket number 324, entered May 21, 2009 and the Court's Judgment Order, docket number 325, entered May 28, 2009. Master Lock Company likewise appeals from all prior orders and rulings merged into these Orders as well as all subsequent orders and rulings modifying, vacating, or refusing to vacate or modify the final judgment, including but not necessarily limited to the following:

<b>Entry Date</b>	<b>Docket No.</b>	<b>Description</b>
2/11/2008	103	Order to clarify claim terms
5/22/2008	168	Order granting in part and denying in part Master Lock's Motion for Partial Summary Judgment of Non-infringement and Invalidity
7/29/2008	176	Order denying Master Lock's Motion for Summary Judgment of Non-infringement of the '649 Patent
9/09/2008	194	Order denying Master Lock's Renewed Motion for Partial Summary Judgment of Non-Infringement of the '649 Patent
3/03/2009	None	Oral Order (Vol. 4, pp, 189-90) Evidentiary Ruling permitting Wyers' 701 testimony regarding shear forces
3/03/2009	None	Oral Order (Vol. 4, p. 239) Denial of motion in limine regarding royalty rate and overruling objection to testimony
3/05/2009	None	Oral Order (Vol. 6, pp 616-627) Granting Rule 50 Motion to Dismiss inequitable conduct defense
3/09/2009	None	Oral Order (Vol. 8, pp. 845-49) Granting Rule 50 Motion Dismissing On-Sale Bar Defense
3/9/2009	None	Oral Order (Vol. 8, pp. 938-939) Denying entry of testimony based upon offer of proof for testimony about shear force
3/10/2009	None	Oral Order (Vol. 9, pp 997) Overruling Objections to Jury Instructions
3/10/2009	None	Oral Order (Vol. 9, pp. 1011-1012) Overruling Objection to Jury Verdict form
3/10/2009	280	Order granting and denying various Rule 50 Motions
3/11/2009	279	Order Denying Master Lock's Motion for Judgment as a Matter of Law Regarding the Date of Conception for the '649 Patent
5/08/2009	319	Order Denying Renewed Rule 50 Motion for Invalidity based on Obviousness
5/12/2009	321	Order Denying Defendants' Motion for Remittitur or in the Alternative for a New Trial

Respectfully submitted this 5<sup>th</sup> day of June, 2009.

By: /s Christopher P. Beall

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**Master Lock Company**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of June, 2009, I electronically submitted the foregoing **NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT** to the Court through the ECF/CM electronic filing system, which will automatically delivery an electronic copy of this submission to the following counsel of record:

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