

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

ATLANTIC RESEARCH MARKETING
SYSTEMS, INC.,

Plaintiff,

v.

STEPHEN P. TROY, JR. AND TROY
INDUSTRIES, INC.,

Defendants.

Civil Action No. 07-cv-11576 (PBS)

NOTICE OF APPEAL

Notice is hereby given that the defendants in the above named case, Stephen P. Troy, Jr. and Troy Industries, Inc. ("Troy"), hereby appeal to the United States Court of Appeals for the Federal Circuit from (1) the Order denying Troy's Motion to Dismiss or Stay Litigation dated November 13, 2007 (Docket No. 6), (2) the Memorandum and Order dated May 5, 2009 (Docket No. 109), (3) the Order denying Troy's Motion in Limine to Preclude Atlantic Research Marketing Systems from Claiming Disgorgement Damages dated June 2, 2009 (Docket No. 115), (4) the Order granting Plaintiff's Motion in Limine to Exclude Reference to Rulings and Verdict from Prior Litigation dated June 2, 2009 (Docket No. 118), (5) the Order granting Plaintiff's Motion in Limine to Exclude Inconsistent Testimony on Troy's Net Profits dated June 2, 2009 (Docket No. 121), (6) the Order denying Troy's Motion in Limine to Preclude Evidence of Damage dated June 2, 2009 (Docket No. 150), (7) the Order denying the Motion for Judgment as a Matter of Law as to the non-contract and non-conversion claims dated June 25, 2009 (Docket No. 174), (8) the Memorandum and Order denying Troy's Motion for Declaration of Mistrial dated November 30, 2009 (Docket Nos. 230, 199), (9) the Order denying the Motion to

Exclude Later Produced Trial Exhibits and Related Testimony dated January 4, 2010 (Docket No. 169), (10) the Findings of Fact and Conclusions of Law dated May 11, 2010 (Docket No. 259), (11) the Order denying Troy's Motion for Reconsideration of the Chapter 93A Findings dated August 31, 2010 (Docket Nos. 277, 262), (12) the Order denying Troy's Motion for New Trial dated September 1, 2010 (Docket No. 237), (13) the Order denying Troy's Motion for Judgment NOV dated September 1, 2010 (Docket No. 240), (14) the Order denying Troy's Motion for Remittitur dated September 1, 2010 (Docket No. 243), and (15) the Final Judgment dated September 2, 2010 (Docket No. 276).

Respectfully submitted,

DONOVAN HATEM, LLP

Dated: 9/29/2010

/s/ Damian R. LaPlaca

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing *Notice of Appeal* was filed through the ECF system and will be sent electronically to the registered participants, including those persons listed below, this 29th day of September, 2010:

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