## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS LUFKIN DIVISION

HEARING COMPONENTS, INC., a Minnesota corporation,	) ) )
Plaintiff,	) Civil Action No. 9:07-cv-00104 (RHC)
v.	) Jury Trial Demanded
SHURE INC., an Illinois corporation,	) ) )
Defendant.	) ) )

## NOTICE OF CROSS-APPEAL BY DEFENDANT SHURE INC.

Notice is hereby given that Shure Inc., the Defendant in the above named case, hereby cross appeals to the United States Court of Appeals for the Federal Circuit from the following orders, rulings, and judgments of the United States District Court for the Eastern District of Texas:

- 1. Final Judgment (docket number 190, attached as Exhibit A) entered in this action on April 7, 2009, and all orders and judgments of the district court incorporated into the Final Judgment, including without limitation:
  - a. Order Construing Claim Terms of United States Patent Nos. 4,880,076;
     5,002,151; and 5,401,920 (docket number 118, attached as Exhibit B);
  - b. Order Granting in Part Defendant Shure Inc.'s Motion for Judgment as a
     Matter of Law on Non-Infringement (docket number 181, attached as
     Exhibit C);
  - c. Order Denying Shure Inc.'s Motion for Judgment as a Matter of Law on

Invalidity (docket number 182, attached as Exhibit D);

- d. Memorandum and Order on Claims of Patent Misuse (docket number 187, attached as Exhibit E); and
- e. Oral Order Denying Shure Inc.'s Laches Defense (docket nos. 170-177, Trial Transcript, Day 6, January 20, 2009);
- Order Denying Defendant Shure Inc.'s Renewed Motion for Judgment as a Matter of Law of Non-Infringement and Invalidity, entered in this action on April 22, 2009 (docket no. 195, attached as Exhibit F);
- 3. Order Denying Defendant Shure Inc.'s Motion to Alter or Amend Judgment entered in this action on April 24, 2009 (docket no. 196, attached as Exhibit G); and
- 4. Any and all orders, rulings, and judgments underlying any of the foregoing.

Included herewith is payment of the filing fee (\$5.00) and the docketing fee (\$450.00) as required by 28 U.S.C. § 1913, 28 U.S.C. § 1917, Federal Circuit rule 52(a)(3)(A), and Rule 3(e) of the Federal Rules of Appellate Procedure.

Dated: May 5, 2009 Respectfully submitted,

/s/ Diane V. DeVasto

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ATTORNEYS FOR DEFENDANT SHURE INC.

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on May 5, 2009. Any other counsel of record will be served by facsimile transmission and first class mail on this same date.

/s/ Diane V. DeVasto
Diane V. DeVasto