

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ATELIERS DE LA HAUTE-GARONNE,  
a French corporation, and  
F2C2 SYSTEMS S.A.S.,  
a French corporation,

Plaintiffs,

*v.*

BROETJE AUTOMATION-USA INC.,  
a Delaware corporation,  
BRÖTJE-AUTOMATION GMBH  
a German corporation,

Defendants.

**No. 09-CV-598-LPS**

---

**NOTICE OF APPEAL (CROSS-APPEAL)  
BY DEFENDANTS BROETJE AUTOMATION-USA INC. AND  
BRÖTJE-AUTOMATION GMBH**

---

Notice is hereby given that Defendants Broetje Automation-USA Inc. and Brötje-Automation GmbH in the above-captioned case hereby appeal to the United States Court of Appeals for the Federal Circuit from the final judgment entered in this action on October 13, 2011 [D.I. 343] and from all orders and rulings related to the District Court's subject matter jurisdiction to adjudicate and enter judgment on Plaintiffs' First Claim-for-Relief, including the following:

- the District Court's Memorandum Opinion [D.I. 340] and Order [D.I. 341 at ¶ 1] entered in this action on October 13, 2011 denying the Broetje Parties' Rule 12(b)(1) Motion to Dismiss Plaintiffs' First Claim for Relief for Lack of Subject Matter Jurisdiction; and

- Order for Entry of Final Judgment under Federal Rule of Civil Procedure 54(b) entered in this action on October 13, 2011 [D.I. 342].

Concurrently herewith, the Broetje Parties submit electronic payment in the amount of \$455, as specified in the U.S. District Court District of Delaware Fee Schedule, to cover the \$450 fee specified in the Court of Appeals Miscellaneous Fee Schedule and the \$5.00 fee required by 28 U.S.C. § 1917.

Respectfully submitted,  
BROETJE AUTOMATION-USA INC., and  
BRÖTJE-AUTOMATION GMBH

Dated: November 9, 2011

/s/ Karen V. Sullivan

Patrick J. Kelleher  
Darren S. Cahr  
Carrie A. Beyer  
**DRINKER BIDDLE & REATH LLP**  
191 N. Wacker Dr. # 3700  
Chicago, IL 60606  
312.569.1000  
*patrick.kelleher@dbr.com*  
*darren.cahr@dbr.com*  
*carrie.beyer@dbr.com*

Todd C. Schiltz (No. 3253)  
Karen V. Sullivan (No. 3872)  
**DRINKER BIDDLE & REATH LLP**  
1100 N. Market Street # 1000  
Wilmington, DE 19801-1254  
302.467.4200  
*todd.schiltz@dbr.com*  
*karen.sullivan@dbr.com*

***Attorneys for the Broetje Parties***

CH01/ 25839255.1