

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

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|---|---|
| <p>PRIMOS, INC., a Mississippi Corporation,<br/><br/>Plaintiff,<br/><br/>v.<br/><br/>HUNTER'S SPECIALTIES, INC., an Iowa<br/>Corporation, DAVID FORBES, an individual,<br/>and WAYNE CARLTON, an individual,<br/><br/>Defendants.</p> | <p>Civil Action No. C01-4 MJM<br/><br/>Judge John A. Jarvey</p> |
|---|---|

**NOTICE OF APPEAL**

COMES NOW the Defendants Hunter's Specialties, Inc., David Forbes and Wayne Carlton, and hereby appeal to the United States Court of Appeals for the Federal Circuit all judgments against the Defendants or any of the Defendants in the Judgment of April 9, 2004 and the Amended Judgment of September 7, 2004, as well as all rulings and findings associated with, related to, supportive of, or necessary to said judgments, including, but not limited to,

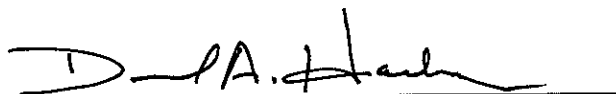
the Court's March 12, 2004 Order on prosecution history estoppel;

the Court's March 15, 2004 Order (construing the term "engages" or "engaging" as used in claim 2 of United States Patent 5,520,567) and the Court's various other rulings and instructions construing "second roof of mouth engaging portion" as used in that claim of the patent;

the Court's September 7, 2004 Order (denying Defendants' post trial motions for judgment as a matter of law, a new trial, and/or remittitur); and

the Court's September 7, 2004 Order (*inter alia*, awarding prejudgment interest and enhancing damages).

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

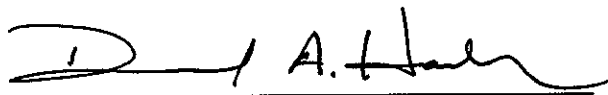
I hereby certify that on Sept 21, 2004, I filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following:

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I hereby certify that I have served a copy of the foregoing upon the following non-ECF participants via:

- 1<sup>st</sup> Class U.S. Mail     Federal Express     Facsimile  
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