

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

SANDISK CORP.,

Plaintiff &
Counter-Defendant

vs.

KINGSTON TECHNOLOGY CO., INC.,
and
KINGSTON TECHNOLOGY CORP.

Defendants &
Counter-Plaintiffs

Civil Action No. 10-cv-243

**NOTICE OF APPEAL
(TO THE FEDERAL CIRCUIT)**

Notice is hereby given that pursuant to Fed. R. App. P. 4(a)(1), Counter-Plaintiffs / Defendants Kingston Technology Co., Inc. and Kingston Technology Corp. in the above named case appeal to the United States Court of Appeals for the Federal Circuit from the Amended Judgment in a Civil Case dated April 20, 2012 (D.I. 493) in those parts adverse to Kingston Technology Co., Inc. or Kingston Technology Corp. and from all underlying decisions, orders, and rulings related to, supporting, or incorporated in that Judgment as adverse to Kingston Technology Co., Inc. or Kingston Technology Corp., including but not limited to: the Opinion and Order regarding Kingston's counterclaims dated March 27, 2012 (D.I. 487) and the Opinion and Order regarding Kingston's counterclaims and motion to strike SanDisk's Reply to

Counterclaims dated October 13, 2011 (D.I. 327) and all underlying decisions, orders, and rulings related to, supporting these rulings.

To the extent not superseded by the Amended Judgment, Kingston Technology Co., Inc. or Kingston Technology Corp. also appeals the Judgment in a Civil Case, dated March 29, 2012, and from all underlying decisions, orders, and rulings related to (including D.I. 487 and 327), supporting, or incorporated in that Judgment as adverse to Kingston Technology Co., Inc. or Kingston Technology Corp.

To the extent that SanDisk appeals the district court's finding of non-infringement, Kingston Technology Co., Inc. or Kingston Technology Corp. also conditionally appeals any ruling or opinion adverse to Kingston Technology Co., Inc. or Kingston Technology Corp. in the district court's claim construction order, dated March 16, 2011 (D.I. 131) to the extent that reversal of a construed term would provide an alternate ground of non-infringement in the event that the district court's finding of non-infringement based on the construction adverse to Kingston Technology Co., Inc. or Kingston Technology Corp. is reversed.

Pursuant to Fed. R. App. Proc. 3(e), Kingston Technology Co., Inc., and Kingston Technology Corp. are submitting to the Clerk of Court payment of the \$455.00 fee.

DATE: April 30, 2012

Respectfully Submitted,

FISH & RICHARDSON P.C.

/s/ David M. Hoffman

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

SANDISK CORP.,

Plaintiff,

v.

KINGSTON TECHNOLOGY CO., et al.

Defendants.

Civil Action No.: 10-CV-243

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of April, 2012, a copy of the following:

**KINGSTON TECHNOLOGY CO., INC., AND KINGSTON TECHNOLOGY CORP.'S
NOTICE OF APPEAL (TO THE FEDERAL CIRCUIT)**

was served by means of the court's CM/ECF system on counsel of record.

Date: April 30, 2012

Respectfully Submitted,

/s/ David M. Hoffman

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