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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

K-TEC, INC.,

Plaintiff/Counter-Defendant,

v.

VITA-MIX CORPORATION,

Defendant/Counter-Plaintiff.

NOTICE OF APPEAL

Case No. 2:06cv00108

The Honorable Tena Campbell

Notice is hereby given that Vita-Mix Corporation, defendant/counter-plaintiff in the above captioned case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the Order Denying Motion to Vacate the Amended Judgment and for Entry of Judgment as a Matter of Law on Intervening Rights entered in this action on June 23, 2011 (Docket No. 915); the Amended Judgment

entered in this action on May 27, 2011 (Docket No. 909); the Amended Judgment entered in this action on May 24, 2011 (Docket No. 908); the Memorandum Decision and Order entered in this action on May 19, 2011 (Docket No. 907); the Memorandum Decision and Order entered in this action on January 26, 2011 (Docket No. 872), the Permanent Injunction entered in this action on January 26, 2011 (Docket No. 871), the Order on Obviousness entered in this action on September 1, 2010 (Docket No. 817), the Final Judgment entered in this action on August 27, 2010 (Docket No. 811), and from all interlocutory judgments and orders that have been rendered final as a result of the Final Judgment, Order on Obviousness, Permanent Injunction, January 26, 2011 Memorandum Decision and Order, May 19, 2011 Memorandum Decision and Order, and Amended Judgments. The fees required under Federal Rule of Appellate Procedure 3(e) will be remitted to the Clerk of Courts for the United States District Court for the District of Utah at the time of filing.

Respectfully submitted,

DATED: July 22, 2011

/s/ David T. Movius
Attorney for Vita-Mix Corporation

CERTIFICATE OF SERVICE

I hereby certify that, on July 22, 2011, a copy of the foregoing ***Notice of Appeal*** was electronically served using the Court's Electronic Case Filing (ECF) system and the parties have been served by electronic notice through the Court's ECF system.

/s/ David T. Movius
One of the Attorneys for Vita-Mix Corporation