

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBERT BOSCH LLC,)	
)	
Plaintiff,)	
)	C.A. No. 08-542-SLR
v.)	
)	
PYLON MANUFACTURING CORP.,)	
)	
Defendant.)	

**PRECAUTIONARY NOTICE OF APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Robert Bosch LLC, the plaintiff in the above named case, intends to appeal to the United States Court of Appeals for the Federal Circuit from the following non-final orders entered by the District Court in this matter:

(1) The portions of the April 23, 2010, jury verdict (D.I. 299); the April 28, 2010, District Court judgment (D.I. 303); and the May 3, 2010, District Court amended judgment (D.I. 306) finding claim 1 of US Patent No. 6,292,974 to be invalid for derivation and finding claim 7 of US Patent No. 6,675,434 not to be infringed;

(2) The portions of the District Court's November 3, 2010, order denying Bosch's motion for JMOL or for a new trial with respect to the derivation of claim 1 of US Patent No. 6,292,974, and denying Bosch's motion for JMOL or for a new trial with respect to the infringement of claim 7 of US Patent No. 6,675,434 (D.I. 360, 361);

(3) The portions of the District Court's March 30, 2010, order construing claim 2 of US Patent No. 6,292,974 and claim 1 (and dependent claims) of US Patent No. 6,978,512 (D.I. 270);

(4) The portions of the District Court's March 30, 2010, order granting defendant Pylon Manufacturing Corp.'s motion for summary judgment of non-infringement of US Patent No. 6,978,512 (D.I. 271, 272, 291); and

(5) The District Court's orders granting Pylon's motion to dismiss Bosch's claims of false advertising and unfair competition (D.I. 90 and 91, entered July 10, 2009), and denying Bosch's motion for reconsideration on that issue (D.I. 149, entered October 19, 2009).

Bosch respectfully submits that no appellate court, including the United States Court of Appeals for the Federal Circuit, yet has jurisdiction over this proposed appeal, because no final judgment has been entered and because none of these issues have been certified for interlocutory appeal. Bosch thus files this precautionary notice to indicate its intent to appeal these issues, and pursuant to F.R.A.P. 4(a)(2) requests that this notice of appeal be treated as filed on the date a final judgment is entered.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on December 1, 2010, the attached document was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

I hereby certify that on December 1, 2010, the attached document was Electronically Mailed to the following person(s):

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