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24 Fresenius Medical Care North America and Fresenius USA, Inc.

25 UNITED STATES DISTRICT COURT  
26 NORTHERN DISTRICT OF CALIFORNIA  
27 OAKLAND DIVISION

28 BAXTER HEALTHCARE CORPORATION,  
BAXTER INTERNATIONAL INC., BAXTER  
HEALTHCARE S.A., and DEKA PRODUCTS  
LIMITED PARTNERSHIP,

Plaintiffs and Counter-Defendants,

v.

FRESENIUS MEDICAL CARE HOLDINGS,  
INC., d/b/a FRESENIUS MEDICAL CARE  
NORTH AMERICA and FRESENIUS USA,  
INC.,

Defendants and Counter-Claimants.

Case No. C 07-01359 PJH (JL)

**FRESENIUS' NOTICE OF CROSS  
APPEAL**

Judge: Hon. Phyllis J. Hamilton

**FILED**  
MAR 31 2011  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

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1     **FRESENIUS' NOTICE OF CROSS APPEAL TO THE UNITED STATES COURT OF**  
2     **APPEALS FOR THE FEDERAL CIRCUIT**

3             Defendants Fresenius Medical Care Holdings, Inc., d/b/a Fresenius Medical Care North  
4     America, and Fresenius USA, Inc. (collectively, "Fresenius") hereby cross appeal to the United  
5     States Court of Appeals for the Federal Circuit from the Final Judgment entered in this case on  
6     August 13, 2010 (Dkt. No. 498), the Court's Findings re Invalidity of Claim 12 of the '547 Patent  
7     entered on August 6, 2010 (Dkt. No. 495), the Court's Order Construing Claims entered on  
8     February 10, 2009 (Dkt. No. 277), and any and all other orders and rulings pertinent or ancillary to  
9     the Judgment, Findings, and Order.

10            Payment in the amount of \$455 is made concurrent with this Notice, which includes the  
11     docket fee of the United States Court of Appeals for the Federal Circuit.

12  
13     Dated: March 31, 2011

FISH & RICHARDSON P.C.

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15     By: Michael E. Florey  
16             Michael E. Florey

17             Attorneys for Defendants/Counter-claimants  
18     FRESENIUS MEDICAL CARE HOLDINGS,  
19     INC. d/b/a FRESENIUS MEDICAL CARE  
20     NORTH AMERICA and FRESENIUS USA,  
21     INC.