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SEIRUS INNOVATIVE ACCESSORIES, INC.

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA

13 SEIRUS INNOVATIVE ACCESSORIES,  
14 INC., a Utah corporation,

15 Plaintiff,

16 v.

17 CABELA’S, Inc., a Delaware corporation and  
ROSS GLOVE COMPANY, a Wisconsin  
18 corporation,

19 Defendants.

Case No. 09-CV-0102-H (WMC)

**PLAINTIFF AND  
COUNTERDEFENDANT SEIRUS  
INNOVATIVE ACCESSORIES, INC.’S  
NOTICE OF APPEAL TO THE UNITED  
STATES COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT**

Hon. Marilyn L. Huff  
Courtroom 13

20 AND RELATED COUNTERCLAIMS.  
21

22 **NOTICE IS HEREBY GIVEN**, pursuant to Fed. R. App. P. 3 and 4(a)(1), that Plaintiff  
23 and Counterdefendant SEIRUS INNOVATIVE ACCESSORIES, INC. (“Seirus”) appeals to the  
24 United States Court of Appeals for the Federal Circuit from this Court’s entry of final judgment  
25 in the above-captioned civil action entered in this proceeding on December 13, 2011 (Doc. No.  
26 453) (“the Judgment”). Seirus also appeals from any and all rulings, decisions, and opinions that  
27 are related to the Judgment, that shaped the Judgment, and/or or upon which the Judgment is  
28 based, to the extent they are adverse to Seirus, including, but not limited to:

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1. Claim Construction Order for United States Patent Number 5,214,804, Patent Number 6,272,690 and Patent Number D-510,652, February 4, 2011 (Doc. No. 139).
2. Minute Entry and Order (order made on record, Transcript lodged at Doc. No. 163) of discovery conference, April 29, 2011 (Doc. No. 155).
3. Order Denying Plaintiff's Objections to Discovery Order, June 10, 2011 (Doc. No. 190).
4. Order Following Discovery Hearing on Dr. Brookstein's Expert Report and Discovery of Financial Information Related to Punitive Damages, August 19, 2011 (Doc. No. 245).
5. Order Denying Objections to Magistrate Judge's Discovery Order, September 26, 2011 (Doc. No. 321).
6. Order Denying Motion to Strike Untimely Served Supplemental Invalidity Contentions, October 3, 2011 (Doc. No. 350).
7. Order Granting in Part and Denying in Part Plaintiff's Motion for Summary Judgment on Defendants' Affirmative Defenses, September 29, 2011 (Doc. No. 342).
8. Order Granting Defendants' Motions for Summary Judgment on Plaintiff's Trade Dress Claims, October 3, 2011 (Doc. No. 350).
9. Order (1) Denying Defendant Ross Glove's Motion for Partial Summary Adjudication on Seirus' Prayer for Compensatory Damages; (2) Denying Without Prejudice Defendant Ross Glove's Motion for Partial Summary Adjudication on

1 Seirus' Prayer for Attorneys' Fees for Patent Infringement; and (3) Granting  
2 Defendant Ross Glove's Motion for Partial Summary Adjudication on Seirus'  
3 Trade Dress, Unfair Competition, Punitive and Enhanced Damages, October 5,  
4 2011 (Doc. No. 367).

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6 10. Order (1) Denying Cabela's' Constitutional Challenge to the America Invents Act;  
7 (2) Granting Seirus' Motion for Summary Judgment on Cabela's False Marking  
8 Counterclaim; (3) Granting Seirus' Motion for Summary Judgment on Cabela's  
9 Unfair Competition Counterclaim; and (4) Denying Cabela's' Motion for  
10 Summary Judgment on Its False Marking Counterclaim, October 19, 2011 (Doc.  
11 No. 429).

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13 11. Order Denying Seirus' Motion for Reconsideration of the Court's October 3, 2011  
14 Order Granting Summary Judgment on Trade Dress, October 25, 2011 (Doc. No.  
15 439).

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17 12. Order (1) Granting Defendants' Motion for Summary Judgment on Patent Non-  
18 Infringement of U.S. Patent No. D510,652; (2) Granting Defendants' Motion for  
19 Summary Judgment on Patent Non-Infringement of U.S. Patent No. 6,272,690;  
20 and (3) Denying Defendants' Motion for Summary Judgment on Patent Non-  
21 Infringement of U.S. Patent No. 5,214,804, October 25, 2011 (Doc. No. 440).

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13. Order Granting Defendants’ Motion for Summary Judgment on Patent Invalidity for Obviousness of U.S. Patent No. 5,214,804; Denying Defendants’ Motion for Summary Judgment on Patent Invalidity for Anticipation of U.S. Patent No. 5,214,804; and Denying Motions for Invalidation of Patent Nos. 6,272,690 and D510,652 As Moot, November 1, 2011 (Doc. No. 446).

Dated: January 6, 2012

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**CERTIFICATE OF SERVICE**

I hereby certify that, on **January 6, 2012**, a true and correct copy of the document entitled:

**PLAINTIFF AND COUNTERDEFENDANT SEIRUS INNOVATIVE ACCESSORIES, INC.’S NOTICE OF APPEAL**

will be transmitted to the parties and counsel of record listed below via the Court’s CM-ECF system as a result of the electronic filing of these documents:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I executed this Certificate of Service on **January 6, 2012**, at San Diego, California.

s/ Matthew D. Murphey  
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