

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

ASPEX EYEWEAR, INC. and CONTOUR	:	
OPTIK, INC.,	:	
Plaintiffs/Counterdefendants,	:	Civil Action No. 10-12202-WGY
	:	
v.	:	
	:	
ALTAIR EYEWEAR, INC.,	:	
	:	
Defendant/Counterclaimant.	:	
	:	

**DEFENDANT’S NOTICE OF CROSS-APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1295(a)(1), defendant Altair Eyewear, Inc. (“Altair”), hereby cross-appeals to the United States Court of Appeals for the Federal Circuit from the following:

1. Final Judgment of literal infringement entered October 13, 2011 (D.N. 228); and
2. Those portions of the Memorandum Order entered October 12, 2011 (D.N. 227)

that: (a) construe the term “secured to” in claim 1 of U.S. Patent No. 5,737,054 (the “’054 patent”) to mean “embedded within and attached to”; and (b) hold that claim 1 of the ‘054 patent is not invalid on grounds of anticipation pursuant to 35 U.S.C. §102.

Respectfully submitted,  
Altair Eyewear, Inc.  
*By its attorneys*

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Dated: December 12, 2011

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I certify that, on December 12, 2011, a true copy of this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic filing (NEF) and paper copies will be sent to those indicated as non-registered participants

/s/ Erik P. Belt  
Erik Paul Belt