

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
GREEN BAY DIVISION**

ENCAP, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	CASE NO. 1:11-CV-00808-WCG
OLDCASTLE RETAIL, INC., OLDCASTLE	)	
LAWN & GARDEN, INC., and OLDCASTLE	)	
ARCHITECTURAL, INC.,	)	
	)	
Defendants.	)	

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**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN pursuant to Fed. R. App. P. 3(a), (c), and (e) and 4(a)(1)(A), that Defendants Oldcastle Retail, Inc., Oldcastle Lawn & Garden, Inc., and Oldcastle Architectural, Inc. (collectively "Oldcastle") hereby appeal to the United States Court of Appeals for the Federal Circuit from the Order Granting Preliminary Injunction, entered in this action on May 18, 2012, Dkt. 61.

As prescribed in 28 U.S.C. §§ 1913 and 1917, payment in the amount of \$455.00 accompanies this notice, which includes the docket fee of the United States Court of Appeals for the Federal Circuit.

DATED: June 1, 2012

**RESPECTFULLY SUBMITTED,**

s/ Matthew M. Lubozynski  
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Counsel for Defendants

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	)	
Defendants.	)	

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**CERTIFICATE OF SERVICE**

The foregoing NOTICE OF APPEAL has been electronically filed using the CM/ECF system, which will automatically send service copies via email notification to the following attorneys of record:

- **Aaron T Olejniczak**, aaron@andruslaw.com
- **Phillip M. Weiss**, weissandweiss@aol.com
- **Thomas Wickham Schmidt**, TWS@lcojlaw.com

DATED: June 1, 2012.

/s/ Matthew M. Lubozynski  
Matthew M. Lubozynski

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