

1 Matthew D. Murphey, Esq. (SBN 194111)
TROUTMAN SANDERS LLP
2 11682 El Camino Real, Suite 400
San Diego, CA 92130-2092
3 E-mail: matt.murphey@troutmansanders.com
Telephone: (858) 509-6000
4 Facsimile: (858) 509-6040

5 Paul E. McGowan, Esq. (Admitted *Pro Hac Vice*)
TROUTMAN SANDERS LLP
6 600 Peachtree St., N.E., Suite 5200
Atlanta, GA 30308-2216
7 E-mail: paul.mcgowan@troutmansanders.com
Telephone: (404) 885-3000
8 Facsimile: (404) 885-3900

9 Attorneys for Plaintiff and Cross-Defendant
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 BALBOA MANUFACTURING
COMPANY, LLC, a California Limited
Liability Company, and SPORTS
18 ACCESSORIES AMERICA, INC., a
Colorado corporation,

19 Defendants.
20

Case No. 09-CV-2274-H (WMC)

**PLAINTIFF AND COUNTER-DEFENDANT
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

21 AND RELATED COUNTERCLAIMS.
22

23
24 **NOTICE IS HEREBY GIVEN**, pursuant to Fed. R. App. P. 3 and 4(a)(1), that Plaintiff
25 and Counter-Defendant Seirus Innovative Accessories, Inc. (“Seirus”) appeals to the United
26 States Court of Appeals for the Federal Circuit from this Court’s entry of its Judgment in a Civil
27 Case in the above-captioned case entered in this proceeding on June 29, 2012 (Dkt. No. 143) (the
28 “Judgment”), a copy of which is attached. Seirus also appeals from any and all rulings, decisions,

1 and opinions that are related to the Judgment, that shaped the Judgment, and/or upon which the
2 Judgment is based, to the extent they are adverse to Seirus, including (without limitation) the
3 following:

- 4 1. Order (1) granting Defendants’ Motion for Summary Judgment Regarding Seirus’
5 ‘084 and ‘690 Patents; (2) granting Defendants’ Motion for Summary Judgment
6 Regarding Trade Dress; (3) granting Defendants’ Motion for Summary Judgment n
7 False Designation of Origin, Unfair Competition, and Unjust Enrichment Causes of
8 Action; and (4) denying Seirus’ Motion for Relief Pursuant to Rule 56(d) and
9 granting Defendants’ Request for Judicial Notice, entered February 3, 2012. *See*
10 Dkt. No. 110;
- 11 2. Claim Construction Order for United States Patent Number 5,214,804 and Patent
12 No. 6,272,690, entered February 13, 2012. *See* Dkt. No. 111; and
- 13 3. Clerk’s Judgment. *See* Dkt. No. 143.

14 Dated: July 26, 2012.

TROUTMAN SANDERS LLP

By: s/ Matthew D. Murphey
Matthew D. Murphey, Esq.
Email: matt.murphey@troutmansanders.com
Attorneys for Plaintiff/Counterdefendant
SEIRUS INNOVATIVE ACCESSORIES, INC.

CERTIFICATE OF SERVICE

18 The undersigned hereby certifies that all counsel of record who are deemed to have
19 consented to electronic service are being served with a copy of this document via the Court’s
20 CM/ECF system per Southern District of California Local Rules on July 26, 2012. Any other
21 counsel of record will be served with a true and correct copy of the foregoing by mail or
22 facsimile.

23 STEELE N. GILLASPEY
24 **GILLASPEY & GILLASPEY**
25 sng@g-glaw.com
26 The NBC Tower
27 225 Broadway, Suite 2220
28 San Diego, California 92101
***Attorney for Defendants Balboa Manufacturing Company, LLC
and Sports Accessories America, Inc.***

/s/Matthew D. Murphey
MATTHEW D. MURPHEY