

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

PROMEGA CORPORATION,

Plaintiff,

and

MAX-PLANCK-GESELLSCHAFT zur
FORDERUNG der WISSENSCHAFTEN E.V.,

Case No. 10-cv-281-bbc

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC., and
APPLIED BIOSYSTEMS, LLC,

Defendants.

**NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT**

Notice is hereby given that Life Technologies Corporation, Invitrogen IP Holdings, Inc., and Applied Biosystems, LLC (collectively, “Defendants”) hereby appeal to the **United States Court of Appeals for the Federal Circuit** from the district court’s September 18, 2012 Amended Judgment (Docket No. 685) relating to Applied Biosystems, LLC’s counterclaim for a declaratory judgment that it is validly licensed to practice U.S. Patent Nos. 5,843,660, 6,221,598, 6,479,235, and 7,008,771 (collectively, the “Promega Patents”) and Life Technologies Corporation and Applied Biosystems, LLC’s counterclaim for a declaratory judgment that the Promega Patents are invalid and all interlocutory or other orders subsidiary or relating thereto, including, without limitation: (1) the February 6, 2012 Oral Ruling Regarding Forensic

Research, Education and Training (Docket No. 517); (2) the February 3, 2012 Order Regarding Miscellaneous Motions (Docket No. 498); (3) the February 1, 2012 Order Regarding Miscellaneous Motions (Docket No. 486); (4) the November 29, 2011 Memorandum and Order Regarding Plaintiff Promega Corporation's Motion for Summary Judgment and Defendants' Motion for Partial Summary Judgment (Docket No. 345); and (5) all other rulings, decisions, orders, judgments, findings and/or conclusions entered in this lawsuit inconsistent with either (a) Applied Biosystems, LLC's counterclaim for a declaratory judgment that it is validly licensed to practice the Promega Patents; or (b) Life Technologies Corporation and Applied Biosystems, LLC's counterclaim for a declaratory judgment that the Promega Patents are invalid.

With this notice, Defendants provide payment in the amount of \$455.00 for the \$450.00 fee for docketing this Notice of Appeal and the \$5.00 fee for the certified copy of the docket, as required by Rule 3 of the Federal Rules of Appellate Procedure and 28 U.S.C. §§ 1913 and 1917.

Dated: September 27, 2012

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